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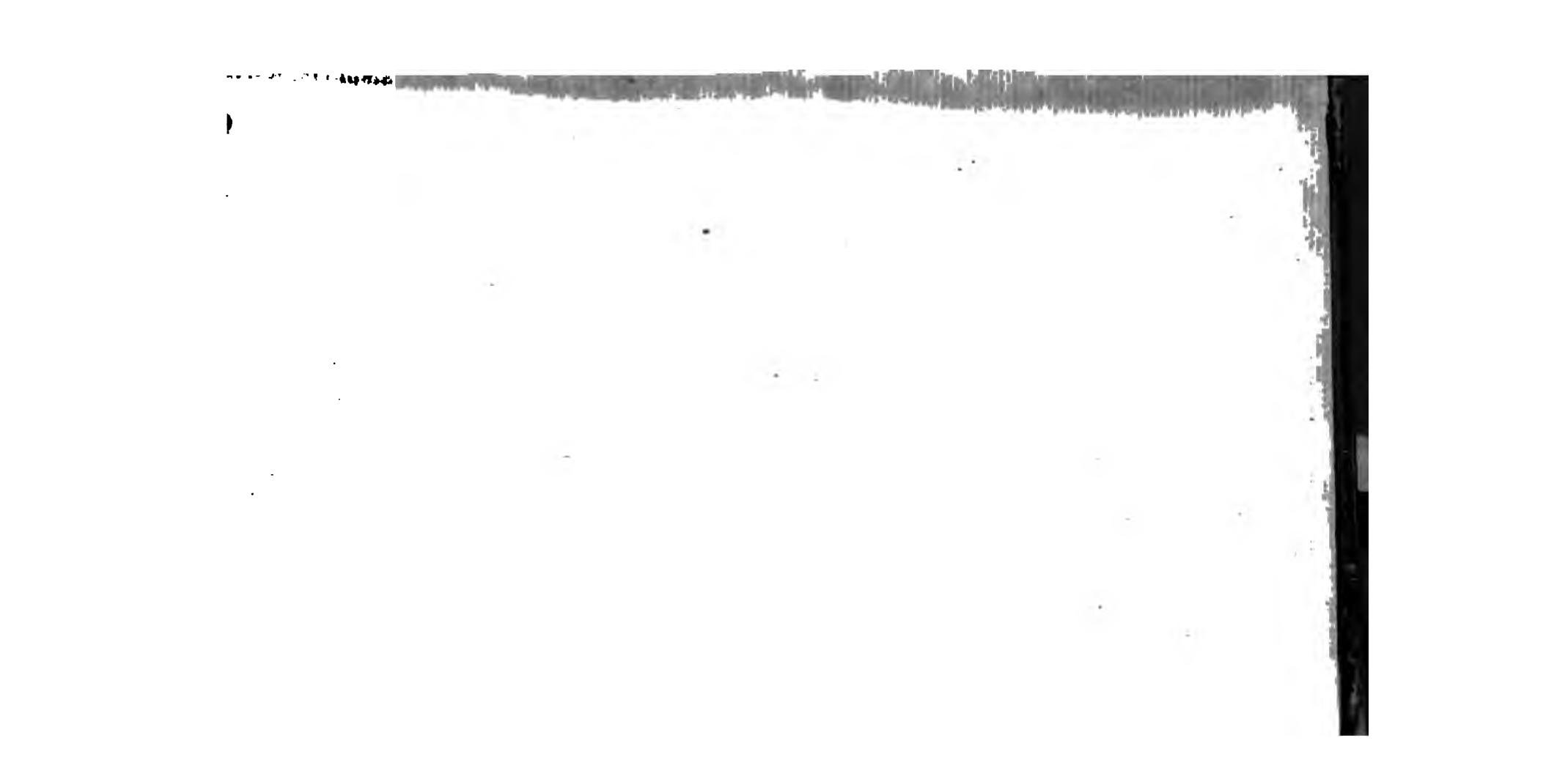

THE

Statutes at Large,

FROM THE

First Year of K. WILLIAM and Q. MARY,

TO THE

Eighth Year of K. WILLIAM III.

BY

DANBY PICKERING, of GRAY's INN, Esq;

THE

Statutes at Large,

FROM THE

First Year of K. WILLIAM and Q. MARY,

TO THE

Eighth Year of K. WILLIAM III.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES during that Period.

VOL. IX.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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A

TABLE of the STATUTES,

Containing the Titles of all ſuch Acts as are extant in print, from the Firſt Year of King WILLIAM and Queen MARY, to the Eighth Year of King WILLIAM III.

Anno 1 *W. & M. Seſſ.* 1.

Cap. 1. FOR removing and preventing all queſtions and diſputes concerning the aſſembling and ſitting of this preſent parliament.

Cap. 2. For impowering his Majeſty to apprehend and detain ſuch perſons as he ſhall find juſt cauſe to ſuſpect are conſpiring againſt the government.

Cap. 3. For the granting a preſent aid to their Majeſties.

Cap. 4. For reviving of actions and proceſs lately depending in the courts at *Weſtminſter*, and diſcontinued by the not holding of *Hilary* term, and for ſupplying other defects relating to proceedings at law.

Cap. 5. For puniſhing officers or ſoldiers who ſhall mutiny or deſert their Majeſties ſervice.

Cap. 6. For eſtabliſhing the coronation oath.

Cap. 7. For impowering his Majeſty to apprehend and detain ſuch perſons as he ſhall find juſt cauſe to ſuſpect are conſpiring againſt the government.

Cap. 8. For the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths.

Cap. 9. For the amoving papiſts, and reputed papiſts from the cities of *London* and *Weſtminſter*, and ten miles diſtant from the ſame.

Cap. 10. For the taking away the revenue ariſing by hearth money.

Cap. 11. For explaining and making effectual a ſtatute made in the firſt year of King *James* the Second, concerning the haven and piers of *Great Yarmouth*.

Cap. 12. For the encouraging the exportation of corn.

Cap. 13. For raiſing money by a poll, and otherwiſe, towards the reducing of *Ireland*.

Cap. 14. For preventing doubts and queſtions concerning the collecting the publick revenue.

Cap. 15. For the better ſecuring the government, by diſarming papiſts and reputed papiſts.

Cap. 16. That the ſimoniacal promotion of one perſon may not prejudice another.

Cap. 17. For rectifying a miſtake in a certain act of this preſent parliament, *For the amoving papiſts from the cities of* London *and* Weſtminſter.

Cap. 18. For exempting their Majeſties proteſtant ſubjects, diſſenting from the church of *England*, from the penalties of certain laws.

Cap. 19. For impowering their Majeſties to commit, without bail, ſuch perſons as they ſhall find juſt cauſe to ſuſpect are conſpiring againſt the government.

Cap. 20. For a grant to their Majeſties of an aid of twelve pence in the pound for one year, for the neceſſary defence of their realms.

Cap. 21. For enabling lords commiſſioners for the great ſeal to execute the office of lord chancellor, or lord keeper.

Cap. 22. For the exportation of beer, ale, cyder, and mum.
Cap. 23. For reviving two former acts for exporting of leather.
Cap. 24. For an additional duty of excise upon beer, ale, and other liquors.
Cap 25. To regulate the administration of the oaths required to be taken by commission or warrant officers employed in their Majesties service by land, by virtue of an act made in this present session of parliament, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.*
Cap. 26. To vest in the two universities the presentations of benefices belonging to papists.
Cap. 27. For taking away the court holden before the president and council of the marches of *Wales*.
Cap. 28. For appropriating certain duties, for paying the states general of the united provinces their charges for his Majesty's expedition into this kingdom, and for other uses.
Cap. 29. For relief of the protestant *Irish* clergy.
Cap. 30. To repeal the statute made in the fifth year of King *Henry* the Fourth, against the multiplying gold and silver.
Cap. 31. An additional act for the appointing commissioners for the executing an act of this present parliament, intituled, *An act for a grant to their Majesties of an aid of twelve pence in the pound for one year, for the necessary defence of their realms.*
Cap. 32. For the better preventing the exportation of wool, and encouraging the woolen manufactures of this kingdom.
Cap. 33. For explaining part of an act made in the first year of King *James* the First, concerning tanned leather.
Cap. 34. For prohibiting all [illegible] and commerce with *France*.

Private Acts.

Anno 1 *W. & M. Sess.* 1.

1. An act for annulling and ma void the attainder of *William R* esq; commonly called lord *Ru*
2. An act for exhibiting a bill in present parliament for naturali the most noble prince *Geor Denmark*.
3. An act for the naturalizatio the most noble prince *Geor Denmark*, and settling his p dence.
4. An act for naturalizing *Fre* count *Schenberg*, and others.
5. An act to enable *Younger Cook* to sell lands to pay his debts, provide for his younger childr
6. An act for the naturalizatic *Henry de Nassau*, and others.
7. An act for the annulling and ing void the attainder of *Algr Sidney*, esq;
8. An act for annulling and m void the attainder of *Alice Lis* dow.
9. An act for the sale or leasing capital messuage, late *Henry C try's*, esq; in *Piccadilly*.
10. An act for building into ments the remaining part of *del* ground, as now inclosed.
11. An act for the naturalizatic *Anne Astley*, and others.
12. An act for the better assurin manor of *Silton*, and demising lands and tenements in *Silton* i county of *Salop*, unto *Joseph* gent. and his heirs.
13. An act to enable *Robert Per* to sell lands, to pay his br and sisters portions, and also debts.
14. An act to make good a rec suffered by the earl of *Peterb.* and lord *Mordant*.
15. An act to enable *Theodore B.*

to make a jointure for his wife, and to charge monies on part of his eſtate in *Yorkſhire*.

16. An act for reverſing the attainder of *Henry Corniſh*, eſq; late alderman of the city of *London*.

17. An act for erecting a court of conſcience at *Newcaſtle* upon *Tyne*.

18. An act for erecting courts of conſcience in the cities of *Briſtol* and *Glouceſter*, and the liberties thereof.

19. An act for the better regulating the ſalt works in *Droitwich*.

20. An act to enable *Thomas Chettel* to ſell part of his eſtate, for payment of his debts, and making proviſion for his wife and children.

21. An act to enable truſtees to grant leaſes of the eſtate of *Richard Heley*, eſq;

22. An act for enabling of *Hannah Sherley*, widow, and *Mary Battilbey* alias *Sherley*, her daughter, to ſettle and diſpoſe of certain lands and tenements in the counties of *Middleſex* and *Eſſex*.

Anno 1 *W. & M. Seſſ.* 2.

Cap. 1. For a grant to their Majeſties of an aid of two ſhillings in the pound for one year.

Cap. 2. For declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown.

Cap. 3. For preventing all doubts and queſtions concerning the collecting the publick revenue.

Cap. 4. For puniſhing officers or ſoldiers who ſhall mutiny or deſert their Majeſties ſervice; and for puniſhing falſe muſters.

Cap. 5. For a grant to their Majeſties of an additional aid of twelve pence in the pound for one year.

Cap. 6. For the charging and collecting the duties upon coffee, tea, and chocolate, at the cuſtom-houſe.

Cap. 7. For review of the late poll granted to their Majeſties, and for an additional poll, towards the reducing of *Ireland*.

Cap. 8. For preventing vexatious ſuits againſt ſuch as acted in order to the bringing in their Majeſties, or for their ſervice.

Cap. 9. For the better ſecurity and relief of their Majeſties proteſtant ſubjects of *Ireland*.

Private Acts.

Anno 1 *W. & M. Seſſ.* 2.

1. An act for naturalizing *William Watts*, an infant.

2. An act for declaring and enacting *John Rogerſon* to be a natural-born ſubject of this realm.

3. An act to enable the lord viſcount *Hereford* to make a jointure upon his marriage with Mrs. *Elizabeth Norbourne*, notwithſtanding his minority.

4. An act for ſettling a maintenance on the children of *Sidney Wortley* alias *Montague*, eſq; in caſe his wife ſurvive him.

5. An act to diſcharge the duke of *Norfolk*, upon payment of certain ſums of money to the lady *Elizabeth Tereſa Ruſſel*, wife of *Bartholomew Ruſſel*, eſq;

6. An act to enable the earl of *Radnor* to make a jointure to his wife, and to raiſe a ſum of money out of divers lands and tenements in *Cornwall*.

7. An act to enable *Thomas Edon*, eſq; to ſell lands, to pay his debts, and to make proviſion for his wife, and for his children, in caſe he ſhall have any.

8. An act to enable *William Batſon*, eſq; to ſell lands in the county of *Oxon*, and to purchaſe and ſettle an eſtate in the county of *Suffolk* to the ſame uſes.

Anno 2 *W. & M. Seſſ.* 1.

Cap. 1. For recognizing King *William* and Queen *Mary*, and for avoiding all queſtions touching the acts made

in the parliament aſſembled at *Weſtminſter*, the thirteenth day of *February*, one thouſand ſix hundred eighty eight.

Cap. 2. For raiſing money by a poll, and otherwiſe, towards the reducing of *Ireland*, and proſecuting the war againſt *France*.

Cap. 3. For granting to their Majeſties for their lives, and the life of the ſurvivor of them, certain impoſitions upon beer, ale, and other liquors.

Cap. 4. For granting to their Majeſties a ſubſidy of tunnage and poundage, and other ſums of money payable upon merchandize exported and imported.

Cap. 5. For enabling the ſale of goods diſtrained for rent, in caſe the rent be not paid in a reaſonable time.

Cap. 6. For the exerciſe of the government by her Majeſty, during his Majeſty's abſence.

Cap. 7. To declare the right and freedom of election of members to ſerve in parliament for the *Cinque Ports*.

Cap. 8. For reverſing the judgment in a *Quo Warranto* againſt the city of *London*, and for reſtoring the city of *London* to its ancient rights and privileges.

Cap. 9. For the diſcouraging the importation of thrown ſilk.

Cap. 10. For the King's and Queen's moſt gracious, general, and free pardon.

Private Acts.

Anno 2. W. & M. Seſſ. 1.

1. An act for making *Worthenbury* a diſtinct pariſh from *Bangor*.
2. An act to ſupply a defect in an act of the laſt parliament, for ſale and leaſing of a houſe late Mr. ſecretary *Coventry*'s in *Piccadilly*.
3. An act to enable *John Wolſtenholm*, eſq; to ſell lands to pay debts.
4. An act to illegitimate any child or children that *Jane* the wife of *John Lewknor*, eſq; hath had, or ſhall have, during her elopement from him.
5. An act to enable *Algernoon* earl of *Eſſex* to make a wife a jointure, and for raiſing of monies for payment of 6000l. borrowed to make up the lady *Morpeth*'s portion; and to make a ſettlement of his eſtate on his marriage.
6. An act for making ſome proviſion for the daughters and younger ſons of *Anthony* earl of *Shafteſbury*.
7. A bill for the ſale of the capital meſſuage or manſion houſe of *Harleford*, and manor of *Great Marlow*, and other lands in the county of *Bucks*.
8. A bill to enable Sir *Robert Fenwick* to ſell lands for payment of his debts.
9. A bill for confirming a ſettlement made by Sir *Hugh Middleton*, baronet, for a ſeparate maintenance for dame *Dorothea* his wife, and for other truſts; and for the better enabling truſtees to ſell part of his eſtate for payment of his debts.
10. A bill whereby the freehold and inheritance of the manor of *Loleworth* alias *Lollworth*, and the advowſon of the church of *Loleworth* alias *Lollworth*, in the county of *Cambridge*, and divers other lands and hereditaments in *Loleworth* aforeſaid, and in *Long Stanton* in the ſaid county, are veſted in *Altham Smith* of *Gray*'s *Inn* in the county of *Middleſex*, eſq; and *William Gore* of *London*, merchant, and their heirs, in fee-ſimple in poſſeſſion, to the uſe of them and their heirs, in truſt for *John Edwards* of *Debdon Hall* in the county of *Eſſex*, eſq; and his heirs, to the intent the ſame may be ſold.
11. A bill to enable Sir *Humphry Foreſter* to ſettle and diſpoſe lands.
12. A bill to enable *Thomas Berenger*, eſq; to ſell lands for payment of his debts.
13. A bill to veſt the eſtate of *Cadwal-*

wallador Wynne, eſq; in truſtees, for the payment of his debts.

14. A bill for the naturalizing of *David le Grand*, and others.

15. An act for confirming to the governor and company trading to *Hudſon's* bay, their privileges and trade.

16. An act for the encouraging and better eſtabliſhing the manufacture of white paper in this kingdom.

17. An act to enable Sir *Edwin Sadler* to ſell lands for payment of debts.

18. An act for the granting to *Elizabeth*, relict of *John Hobby*, eſq; and now the wife of the lord *Alexander*, ſon and heir apparent of *Henry* earl of *Starling*, in the kingdom of *Scotland*, one annuity or yearly rent charge of 450 l. for her life, in ſatisfaction of 500 l. *per annum* in lands, which ſhe was to have for her jointure.

Anno 2 W. & M. Seſſ. 2.

Cap. 1. For granting an aid to their Majeſties of the ſum of ſixteen hundred fifty one thouſand ſeven hundred and two pounds eighteen ſhillings.

Cap. 2. Concerning the commiſſioners of the admiralty.

Cap. 3. For doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year.

Cap. 4. For granting to their Majeſties certain impoſitions upon all *Eaſt India* goods and merchandiſes, and upon all wrought ſilks, and ſeveral other goods and merchandiſe, to be imported after the five and twentieth day of *December*, one thouſand ſix hundred and ninety.

Cap. 5. For the continuance of ſeveral former acts therein mentioned, for the laying ſeveral duties upon wines, vinegar, and tobacco.

Cap. 6. For puniſhing officers and ſoldiers who ſhall mutiny or deſert their Majeſties ſervice, and for puniſhing falſe muſters.

Cap. 7. For reviving a former act for regulating the meaſures and prices of coals.

Cap. 8. For paving and cleanſing the ſtreets in the cities of *London* and *Weſtminſter*, and ſuburbs and liberties thereof, and out pariſhes in the county of *Middleſex*, and in the borough of *Southwark*, and other places within the weekly bills of mortality, in the county of *Surrey*, and for regulating the markets therein mentioned.

Cap. 9. For the encouraging the diſtilling of brandy and ſpirits from corn, and for laying ſeveral duties on low wines, or ſpirits of the firſt extraction.

Cap. 10. For granting to their Majeſties ſeveral additional duties of exciſe upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year, doth expire.

Cap. 11. For appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts of the kingdom.

Cap. 12. For raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety and one, although the month's pay formerly advanced be not repaid.

Cap. 13. For preventing vexatious ſuits againſt ſuch as acted for their Majeſties ſervice in defence of the kingdom.

Cap. 14. For the more effectual putting in execution an act, intituled, *An act for prohibiting all trade and commerce with* France.

Cap. 15. For relief of poor priſoners for debt or damages.

Private Acts.

Anno 2 W. & M. Seſſ. 2.

1. An act for the enabling the ſale of the manor of *Kempton* and *Kempton*

Park, and other lands late of *Francis Phelips*, eſq; deceaſed.

2. An act to enable *Dacres Barret*, alias *Lennard*, eſq; to charge the reverſion of his eſtate in *England* with the ſum of 1500l.

3. An act to prohibit the covering of houſes, and other buildings, with thatch or ſtraw, in the town of *Marlborough* in the county of *Wilts*.

4. An act to veſt divers meſſuages and tenements (the eſtate of *David Big*, eſq;) in truſtees, to be ſold, and for laying out the money to be raiſed thereby in the purchaſe of lands more to his convenience, to be ſettled to the ſame uſes.

5. An act to veſt the manor and lands late of *George Vilet*, eſq; in truſtees, to be ſold for raiſing portions for his daughters.

6. An act to enable *Elizabeth Montague*, widow, to let leaſes for years of houſes and ground in *Stepney* in the county of *Middleſex*.

7. An act for ſecuring the portion of *Elizabeth Lucy*, and breeding her up a proteſtant; and for transferring the truſt for that purpoſe.

8. An act for the enabling of truſtees to ſell certain lands of *Richard Cooke*, deceaſed, to pay debts, and to raiſe a portion for his daughter.

9. An act to enable *Philip Hildeyard*, eſq; to ſell lands in *Surrey*, and to ſettle lands in *Lincolnſhire* in lieu thereof.

10. An act to annul and make void a marriage between *Mary Wharton* an infant, and *James Campbel*, eſq;

11. An act for veſting divers lands in truſtees, to be ſold for the payment of certain debts of *Saintleger Scroop*, eſq;

12. An act for the better enabling *Jane Bray*, widow, the relict and ſole executrix of the laſt will of *Reginald Bray*, eſq; deceaſed, and others, to the ſpeedier raiſing the portions already appointed for her daughters by the ſaid *Reginald Bray*.

13. An act for the naturalizing of *Francis de la Chambre*, and others.

14. An act for ſelling the eſtate of *Henry Serle*, eſq; deceaſed.

15. An act to free the eſtate of Sir *Samuel Barnardiſton* from ſeveral incumbrances, occaſioned by a judgment given againſt him, upon an information in the court of *King's Bench*.

16. An act to give *Catharine* lady *Cornbury* certain powers to act as if ſhe were of full age.

17. An act to bar a remainder limited to *Dudley Bagnal*, eſq; in the eſtate of *Nicholas Bagnal*, eſq; in *Ireland*.

18. An act for the limiting the power of *James* now earl of *Saliſbury*, to cut off the intail of his eſtate.

19. An act for the veſting ſeveral meſſuages and tenements in the city of *London*, late the eſtate of *John Bains*, gent. deceaſed, in truſtees, to be ſold for payment of debts.

20. An act for raiſing money out of the eſtate of *Thomas Williams*, eſq; deceaſed, by letting leaſes, and otherwiſe, for the more ſpeedy payment of his debts.

21. An act to enable *Thomas Sheaf* to ſell lands, for payment of debts, and making proviſion for his wife, according to an agreement for that purpoſe.

22. An act for the ſettling a charity given by *Robert Aſk*, eſq; to the company of haberdaſhers, *London*.

23. An act to enable *Thomas* earl of *Ailesbury*, and *Elizabeth* counteſs of *Ailesbury* his wife, to make proviſion for payment of debts, and to make leaſes of their eſtates.

24. An act for incorporating the proprietors of the water works in *York Buildings*, and for the encouraging, carrying on, and ſettling the ſaid water works.

25. An act for veſting certain lands (the eſtate of *Thomas Mainwaring*, gent.) in truſtees, to be ſold for payment of debts.

26. An

26. An act to enable *John Roſſeter* eſq; to ſell lands for payment of debts.

Anno 3 *W. & M.*

Cap. 1. For granting to their Majeſties certain impoſitions upon beer, ale, and other liquors, for one year.

Cap. 2. For abrogating the oath of ſupremacy in *Ireland*, and appointing other oaths.

Cap. 3. For the better aſcertaining the tithes of hemp and flax.

Cap. 4. For preſerving two ſhips lading of bay ſalt, taken as prize, for the benefit of their Majeſties navy.

Cap. 5. For granting an aid to their Majeſties of the ſum of ſixteen hundred fifty one thouſand ſeven hundred and two pounds eighteen ſhillings, towards the carrying on a vigorous war againſt *France*.

Anno 3 & 4 *W. & M.*

Cap. 6. For raiſing money by a poll payable quarterly for one year, for the carrying on a vigorous war againſt *France*.

Cap. 7. For raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety two, although the month's pay formerly advanced be not repaid.

Cap. 8. For the encouragement of the breeding and feeding of cattle.

Cap. 9. To take away clergy from ſome offenders, and to bring others to puniſhment.

Cap. 10. For the more effectual diſcovery and puniſhment of deer-ſtealers.

Cap. 11. For the better explanation and ſupplying the defects of the former laws for the ſettlement of the poor.

Cap. 12. For the better repairing and amending the highways, and for ſettling the rates of carriage of goods.

Cap. 13. Againſt correſponding with their Majeſties enemies.

Cap. 14 For relief of creditors againſt fraudulent devices.

Cap. 15. For the better ordering and collecting the duty upon low wines and ſtrong waters; and for preventing the abuſes therein.

Private Acts.

Anno 3 & 4 *W. & M.*

1. An act for making a twelve years leaſe, made by the earl and counteſs of *Aileſbury*, for payment of debts (which was determinable on their deaths) to have continuance abſolutely for thoſe twelve years.

2. An act for the ſettling a fee-farm rent of one hundred pounds *per annum* upon the biſhop of *Ely*, and his ſucceſſors, to be iſſuing out of *Hatton Garden*, in the county of *Middleſex*, and the meſſuages thereupon erected; and for the ſettling and aſſuring the ſame, ſubject to the ſaid rent, upon *Chriſtopher* lord viſcount *Hatton*, his heirs and aſſigns for ever.

3. An act to enable the executors and truſtees of Sir *Thomas Putt*, bart. deceaſed, to leaſe ſeveral meſſuages, lands, tenements, and hereditaments, during the minority of Sir *Thomas Putt*, bart. ſon and heir of the ſaid Sir *Thomas Putt*, towards the payment of 500 *l.* a piece legacies to his three ſiſters, *Margaret*, *Urſula*, and *Suſanna Putt*; as alſo the debts of the ſaid Sir *Thomas Putt*, the father.

4. An act for naturalizing Sir *Martin Beckman*, and others.

5. An act for ſale of the manor of, and lands in *Wittering*, in the county of *Northampton*, and the advowſon of the church of *Wittering* aforeſaid, and late the inheritance of *William Stydolph*, eſq; deceaſed, late father of *Sygiſmond Stydolph*, eſq;

6. An act for ſettling a jointure on

Jane the wife of colonel *Edward Matthews*, daughter of Sir *Thomas Armſtrong*, deceaſed.

7. An act for the veſting and ſettling divers lands in *Glouceſterſhire*, in truſtees, to be ſold for the payment of the remaining portions to the children of *George Montague*, eſq; deceaſed.

8. An act to veſt certain meſſuages, lands, and tenements, in *Thorp Langton*, and elſewhere, in the county of *Leiceſter*, in truſtees, to be ſold for payment of the debts of *Richard Roberts*, eſq; and for raiſing portions for his daughters.

9. An act for the ſale of the manor of *Manworthy*, with its appurtenances, in the county of *Devon*, being the lands and eſtate of *Nicholas Martyn*, eſq; by truſtees herein after named, for the payment of the debts of the ſaid *Nicholas Martyn*.

10. An act to veſt the eſtate late of *Henry Drax*, eſq; deceaſed, in *Thomas Shatterden*, gent. and to enable the ſaid *Thomas Shatterden*, and others, to whom the ſaid eſtate is deviſed, to make a jointure.

11. An act for enabling Sir *Dudley Cullum*, bart. to raiſe monies to pay his brothers and ſiſters portions.

12. An act to enable the ſale of ſeveral lands, for the payment of the debts and legacies of *Maurice Shelton*, and others; and for ſettling other lands inſtead of them.

13. An act to enable truſtees to ſell the eſtate of *Edward Smith*, eſq; deceaſed, to raiſe money for the payment of his debts, and to make a proviſion for his children, who are infants.

14. An act for the enabling of Sir *Thomas Burton*, bart. to ſell lands for payment of debts.

15. An act to enable *William Daville* to ſell ſome lands for payment of debts.

16. An act for the enabling the right honourable *Charles* earl of *Winchelſea* to ſettle a jointure upon any wife he ſhall marry during his minority.

17. An act for the better enabling the truſtees and executors of *Richard Campion*, deceaſed, to perform his will.

18. An act to enable the truſtees of the right honourable *James* lord *Waldgrove* to make leaſes, and grant copyhold eſtates, for the payment of the arrears of annuities of *Henry* lord *Waldgrave*, his father, deceaſed.

19. An act for enabling *Francis More*, eſq; to ſell the manor of *Bayhouſe*, and lands in *Weſt Thorocke* in the county of *Eſſex*; and to purchaſe and ſettle other lands in lieu thereof.

20. An act for enfranchiſing ſeveral copyhold lands and tenements holden of the manors of *Albury* and *North Mimms* in the county of *Hertford*.

21. An act for the better ſecuring the portions, debts, and legacies given and owing by *James* late earl of *Saliſbury*.

22. An act for ſale of the eſtate of *John Cripps*, gent. in the county of *Kent*, and for ſettling another eſtate of greater value, in lieu thereof, to the ſame uſes.

23. An act to veſt certain lands of *William Molyneux*, gent. in truſtees, for raiſing the ſum of 2000*l.* for paying the portions to his younger brother and ſiſters, purſuant to a decree in the court of *Chancery*.

24. An act for naturalizing of *Mainhard* duke of *Leinſter*, and others.

25. An act for the enabling *Philip* lord *Stanhope*, ſon and heir apparent of the right honourable *Philip* earl of *Cheſterfield*, together with the ſaid earl, to make a jointure and ſettlement upon the marriage of the ſaid *Philip* lord *Stanhope*.

26. An act to enable *Henry Halſtead* to make a leaſe for the improvement of his prebend of *Earl-ſtreet* in the church of St. *Paul*, *London*.

27. An

27. An act to enable the biſhop of *London*, and truſtees, to ſell the manor of *Buſhley* in the county of *Worceſter*, part of the biſhoprick of *London*; and to purchaſe other lands, to be annexed to the ſaid biſhoprick, for the improvement thereof.

28. An act for the ſettling of certain meſſuages, mills, lands, and tenements, in the county of *Merioneth*, upon certain truſtees, to be ſold or mortgaged, towards the payment of the debts of *William Vaughan* and *Jenkin Vaughan*, eſq; deceaſed.

29. An act for the enabling *Vincent Grantham*, eſq; to leaſe part of his manor of *Goltho* in *Lincolnſhire*, for the raiſing monies to pay portions and debts charged thereupon.

30. An act for naturalizing of *Armand Nampar de Commant*, commonly called marqueſs of *Monpavillan*, and others.

31. An act to enable the truſtees of *James* late earl of *Suffolk*, to ſell the manor of *Hadſtock* in *Eſſex*, and for diſcharging ſeveral other manors and lands of the ſaid late earl, from 5,000 *l.* remainder of 10,000 *l.* by him formerly charged thereon.

32. An act for the more ſpeedy payment of the debts of *Elizabeth Curtis*, widow, late deceaſed, and performance of an agreement touching the ſame, made between *Charles Curtis* in his life-time, and *Edward Earle*, according to a decree in the high court of *Chancery*.

33. An act for the veſting ſeveral manors, lands, and rents, in the counties of *Lincoln*, *Berks*, and *Devon*, in truſtees, to be ſold for the buying other manors and lands to be ſettled for the ſame, or the like uſes, as thoſe to be ſold are now ſettled.

34. An act for ſecuring, out of ſome of the manors, lands, tenements, and hereditaments of *Charles Pelham* of *Brokelſby*, in the county of *Lincoln*, eſq; the ſum of 5000 *l.* with intereſt unto *Anne Pelham*, eldeſt daughter of the ſaid *Charles*.

35. An act for the better veſting and ſettling the manor of *Eaſt Horſley* in *Surrey*, in truſtees, to be ſold for payment of the debts of *Philip Hildeyard*, eſq;

36. An act for the better aſſuring to *George Vernon* and his heirs and aſſigns, four acres of land in *Ebiſham* in the county of *Surrey*.

37. An act for incorporating the proprietors of the water works in the pariſh of St. *Paul's Shadwell* in the county of *Middleſex*, and for the encouraging, carrying on, and ſettling the ſaid water works.

38. An act to veſt divers manors, lands, and tenements in the county of *Leiceſter*, in truſtees, to be ſold, for the payment of the debts and legacies of Sir *William Halford*, knight, deceaſed, and for payment of the other debts of Sir *William Halford* now living, prior to his marriage ſettlement with the lady *Frances* his now wife.

39. An act for ſettling the manor and lordſhip of *King's Bromley*, and other the meſſuages, lands, tenements, and hereditaments of *Barbara Newton*, widow, relict of *Samuel Newton*, late of the iſland of *Barbadoes* in *America*, eſq; deceaſed, and *John Newton*, eſq; ſon and heir of the ſaid *Samuel*, by the ſaid *Barbara*.

40. An act to enable Sir *Edwin Sadler*, bart. to ſell lands to pay his debts.

41. An act for veſting certain pieces or parcels of ground in the pariſh of St. *James's*, and St. *Martin in the Fields*, late the eſtate of *Henry* duke of *Grafton*, deceaſed, in truſtees, to be ſold.

42. An act to enable *John Keble*, gent. to ſell certain lands in *Stow Market* in the county of *Suffolk*, and to ſettle other lands of greater value to the ſame uſes,

Anno

Anno 4 *W. & M.*

Cap. 1. For granting to their Majeſties an aid of four ſhillings in the pound for one year, for carrying on a vigorous war againſt *France*.

Cap. 2. That the inhabitants of the province of *York* may diſpoſe of their perſonal eſtates by their wills, notwithſtanding the cuſtom of that province.

Cap. 3. For granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt *France*.

Cap. 4. For taking ſpecial bails in the country upon actions and ſuits depending in the courts of *King*'s *Bench*, *Common Pleas*, and *Exchequer*, at *Weſtminſter*.

Anno 4 & 5 *W. & M.*

Cap. 5. For granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandiſes for the proſecuting the preſent war againſt *France*.

Cap. 6. For raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety and three, although the month's pay formerly advanced be not repaid.

Cap. 7. To prevent abuſes committed by the traders in butter and cheeſe.

Cap. 8. For encouraging the apprehending of highwaymen.

Cap. 9. For reviving of two former acts of parliament for repairing the highways in the county of *Hertford*.

Cap. 10. For prohibiting the importation of all foreign hair buttons.

Cap. 11. For examining, taking, and ſtating the publick accounts of this kingdom.

Cap. 12. To make pariſhioners of the church united contributors to the repairs and ornaments of the church to whom the union is made.

Cap. 13. For puniſhing officers and ſoldiers, who ſhall mutiny or deſert their Majeſties ſervice; and for puniſhing falſe muſters, and for the payment of quarters.

Cap. 14. For the review of the quarterly poll granted to their Majeſties in the laſt ſeſſion of this preſent parliament.

Cap. 15. For continuing certain acts therein mentioned, and for charging ſeveral joint ſtocks.

Cap. 16. To prevent frauds by clandeſtine mortgages.

Cap. 17. For the regaining, encouraging, and ſettling the *Greenland* trade.

Cap. 18. To prevent malicious informations in the court of *King*'s *Bench*, and for the more eaſy reverſal of outlawries in the ſame court.

Cap. 19. For preventing ſuits againſt ſuch as acted for their Majeſties ſervice in defence of the kingdom.

Cap. 20. For the better diſcovery of judgments in the courts of *King*'s *Bench*, *Common Pleas*, and *Exchequer*, at *Weſtminſter*.

Cap. 21. For delivering declarations to priſoners.

Cap. 22. For regulating proceedings in the crown office in the court of *King*'s *Bench* at *Weſtminſter*.

Cap. 23. For the more eaſy diſcovery and conviction of ſuch as ſhall deſtroy the game of this kingdom.

Cap. 24. For reviving, continuing, and explaining ſeveral laws therein mentioned, which are expired and near expiring.

Cap. 25. For continuing the acts for prohibiting all trade and commerce with *France*, and for the encouragement of privateers.

Private Acts.

Anno 4 *W. & M.*

1. An act for the ſale of the eſtate of *Anthony Eyre*, eſq; deceaſed, for pay-

payment of his debts, and portions for his children.

2. An act for veſting the eſtate real and perſonal, late of *Henry Hawley*, in truſtees, to be ſold, or otherwiſe diſpoſed, for the benefit of his daughters and heirs *Suſan* and *Mary*, who are both infants.

3. An act for clearing and removing ſome doubts which may ariſe in an act of parliament, intituled, *An act for the veſting ſeveral manors, lands, and rents in the counties of* Lincoln, Berks, *and* Devon, *in truſtees, to be ſold for the buying other manors and lands, to be ſettled for the ſame, or the like uſes, as thoſe to be ſold are now ſettled.*

4. An act to enable Sir *John Wentworth*, baronet, an infant under the age of one and twenty years, to make a jointure out and ſettlement of his manors and lands in the counties of *York*, in the county of the city of *York*, and *Weſtmoreland*.

5. An act for the more ſpeedy and effectual execution of the truſt created by the will of Sir *Anthony Brown*, baronet, deceaſed, and of a decree in chancery thereupon.

6. An act to enable *Alexander Popham*, eſq; to ſettle a jointure upon his wife, and to make proviſion for younger children, upon receipt of 12000 *l.* portion, to be applied for payment of his debts.

7 An act to enable Sir *George Parker* of *Ratton* in the county of *Suſſex*, baronet, to make a ſettlement upon his marriage, notwithſtanding his minority.

8. An act to enable *William Wake*, gent. and *William Wake*, doctor in divinity, to make leaſes for lives, or years, within the manor of *Shipwick*, in the county of *Dorſet*.

9. An act for the rectifying a miſtake in a certain act of this preſent parliament, paſſed in the year 1691. intituled, *An act to veſt certain lands of* William Molyneux, *gent. in truſtees, for raiſing the ſum of* 2000 *l. for paying the portions to his younger brothers and ſiſters, purſuant to a decree in the court of chancery.*

10. An act for the enabling Sir *William Mannock*, baronet, to charge his eſtate for the raiſing his younger childrens portions.

11. An act for ſettling the manor of *King's North*, for the enabling *Barnham Powel*, eſq; to make proviſion for his younger children.

12. An act to enable *Ralph Macclesfield* to ſell lands for payment of debts, and making proviſion for his wife and children.

Anno 4 & 5 *W.* & *M.*

13. An act for dividing the chapelries of *North Chapel* and *Dungton* from the pariſh of *Petworth*, and erecting them into new pariſhes; and for ſettling the advowſons and rights of patronage of the rectories of *Petworth*, *North Chapel*, *Dungton*, *Clewer*, *Farnham Royal*, *Worpleſdon*, *Kirby*, *Overblows*, and *Catton*, and the vicarage of *Long Horſley*.

14. An act for the ſale of certain manors, meſſuages, lands, and hereditaments, late the eſtate of *Francis Oſbaſton*, eſq; deceaſed, for the payment of his debts and legacies, and raiſing ten thouſand pounds for the portion of *Mary Oſbaſton*, his daughter, chargeable upon the ſaid eſtate.

15. An act to enable Sir *Thomas Wroth*, baronet, to make a jointure and ſettlement upon his marriage, and to make a proviſion for his ſiſter, notwithſtanding his being under the age of one and twenty years.

16. An act for the ſettling a jointure on the wife of *Anthony Danby*, eſq; and for making proviſion for his brothers and younger children, and for payment of his debts.

17. An act for confirming the ſale of certain wood lands in the county of *Southampton*, and certain articles of agreement made between *Iſaac Wool-*

Woollaſton and *Richard Woollaſton*, eſquires.

18. An act for the more ſpeedy and effectual execution of the truſt created by the will of *Henry Baynton*, eſq; deceaſed, and for raiſing a portion for his daughter.

19. An act to enable *Richard Walthall*, eſq; to ſell lands for the payment of portions and debts.

20. An act for the better aſſurance of the manor of *Wood Lands*, and hundred of *Knoulton*, unto *Edward Seymour*, eſq;

21. An act to enable truſtees to ſell part of the lands and tenements of *Matthew Pitt*, eſq; and *Robert Pitt*, gent. for the payment of debts, and to ſettle the reſt of the lands upon the ſaid *Matthew* and *Robert*, and the wife of the ſaid *Robert*, and their iſſue.

22. An act for ſettling the eſtate of *Francis Boyle*, lord viſcount *Shannon*, in the kingdom of *Ireland*.

23. An act to enable *Humphry* lord biſhop of *Bangor*, to make a leaſe of *Bangor Houſe*, with the Appurtenances, in the pariſh of St. *Andrew Holbourn*, *London*, for a competent term of years, in order to the new building, and improving the rent thereof, for the benefit of his ſucceſſors.

24. An act for veſting the manor of *Barcroft*, otherwiſe *Thonocke*, otherwiſe *Lowthonocke*, *Hinton*, otherwiſe *Hengton*, and other lands in the county of *Lincoln*, *Iſle of Ely*, and counties of *Cambridge* and *Norfolk*, in truſtees, for the payment of the debts of *Thomas Towers*, eſq; and making proviſion for his wife and daughter.

25. An act to enable *Thomas Goodwin* the younger, to ſell lands for the payment of debts, and making proviſion for his wife and children.

26. An act to enable *Roger Price*, eſq; to ſell ſome part of his eſtate, for payment of portions to the daughters of *John Price*, eſq; deceaſed.

27. An act to enable Sir *John Williams*, of *Langibby* caſtle in the county of *Monmouth*, baronet, to ſell the manors of *Ewyas Lacy*, *Walerſtone*, and *Treſcaillan*, and other lands in the county of *Hereford*, and the manor of *Carwent*, and other lands in the county of *Monmouth*, for payment of debts.

28. An act for the ſale of ſuch intereſt as *Thomas Broomhall*, infant, hath in the office of the *Warden of the Fleet*, and in thirteen houſes adjoining, and in an office of the cuſtody and keeping of the palace at *Weſtminſter*, for the more effectual payment of debts.

29. An act for exchanging of ſeveral ſmall parcels of land, in the pariſh and manor of *Fulham*, belonging to the biſhoprick of *London*, and part of the biſhoprick of *London*, for other lands of the like value, to *Charles* earl of *Monmouth*, and his heirs.

30. An act for the naturalizing of *Henry Shiebell*, and others.

31. An act for ſettling and confirming the manors and lands in *Hameldon*, in the county of *Rutland*, as they are now enjoyed, and have been for divers years laſt paſt, purſuant to an agreement for incloſing and exchanging of lands there.

32. An act for the ſale of lands by Sir *Robert Smith*, and ſettling other lands of greater value to the ſame uſes, in lieu thereof.

33. An act for the veſting a meſſuage and lands in truſtees, to be ſold for the payment of the debts of *Abraham Hinde*, deceaſed.

34. An act to enable *Abel Atwood* to ſell ſome lands to pay debts, and make proviſion for younger children.

Anno 5 W. & M.

Cap. 1. For granting to their Majeſties an aid of four ſhillings in the pound

pound for one year, for carrying on a vigorous war againſt *France*.

Cap. 2. For repealing ſuch parts of ſeveral former acts, as prevent or prohibit the importation of foreign brandy, *aqua vitæ*, and other ſpirits, and bacon, except from *France*.

Cap. 3. For the importation of fine *Italian*, *Sicilian*, and *Naples* thrown ſilk.

Cap. 4. To repeal a clauſe in the ſtatute made in the four and thirtieth and five and thirtieth years of King *Henry* the Eighth, by which juſtices of peace in *Wales* are limited to eight in each county.

Cap. 5. To ſupply the deficiency of the money raiſed by a former act, intituled, *An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt* France.

Cap. 6. To prevent diſputes and controverſies concerning royal mines.

Anno 5 & 6 *W.* & *M.*

Cap. 7. For granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt *France*.

Cap. 8. For the explaining, and the more effectual execution of a former act, for the relief of poor priſoners.

Cap. 9. For repeal of a clauſe in the ſtatute of the fifth year of Queen *Elizabeth* (containing divers orders for artificers and others) which relates to weavers of cloth.

Cap. 10. For the relief of the orphans, and other creditors of the city of *London*.

Cap. 11. To prevent delays of proceedings at the quarter ſeſſions of the peace.

Cap. 12. To take away the proceſs for the *Capiatur* fine, in the ſeveral courts at *Weſtminſter*.

Cap. 13. To repeal the ſtatute made in the tenth year of King *Edward* the Third, for finding ſureties for the good abearing, by him or her that hath a pardon of felony.

Cap. 14. For raiſing money by a poll, payable quarterly, for one year, for carrying on a vigorous war againſt *France*.

Cap. 15. For continuing the act for puniſhing officers and ſoldiers who ſhall mutiny or deſert their Majeſties ſervice, and for puniſhing falſe muſters, and for the payment of quarters, for one year longer.

Cap. 16. For the importation of ſalt petre, for one year.

Cap. 17. For the exportation of iron, copper, and mundick metal.

Cap. 18. For the enabling their Majeſties to make grants, leaſes, and copies, of offices, lands, and hereditaments, parcel of their duchy of *Cornwall*, or annexed to the ſame; and for confirmation of leaſes and grants already made.

Cap. 19. For raiſing the militia of this kingdom, for the year one thouſand ſix hundred ninety four, although the month's pay formerly advanced be not repaid.

Cap. 20. For granting to their Majeſties ſeveral rates, and duties upon tonnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds towards carrying on the war againſt *France*.

Cap. 21. For granting to their Majeſties ſeveral duties upon vellum, parch-

parchment, and paper, for four years, towards carrying on the war againſt *France*.

Cap. 22. For the licenſing and regulating hackney coaches, and ſtage coaches.

Cap. 23. For appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts of the kingdom.

Cap. 24. For building good and defenſible ſhips.

Cap. 25. For the better diſcipline of their Majeſties navy royal.

Private Acts.

Anno 5 W. & M.

1. An act to enable *John Vivian*, eſq; and *Thomas Vivian* his ſon, to ſell ſome part of their eſtate, for payment of debts, and making proviſion for younger children; and for ſettling other part of their eſtate in lieu thereof.

2. An act to indemnify the truſtees of *James Clayton*, eſq; for joining with him in ſelling lands for payment of his debts.

Anno 5 & 6 W. & M.

3. An act to enable *Roger Whitley* the elder, eſq; and *Thomas Whitley*, eſq; to exchange certain lands of equal value, in the county of *Cheſter*.

4. An act for payment of the debts of *George Turner*, eſq; deceaſed.

5. An act to enable Sir *Charles Barrington*, baronet, to ſettle a jointure on dame *Bridget* his wife, and to make proviſion for their younger children.

6. An act to enable *Thomas* earl of *Thanet*, and the honourable *Sackville Tufton*, his brother, to make a leaſe for ſixty years of *Thanet* houſe, in the pariſh of *St. Botolph*, *Aldersgate*, to commence after the remainder of the term of one and thirty years now in being.

7. An act for ſale of part of the eſtate of *Henry Frere*, an infant, to raiſe monies for inning and recovering other parts thereof now under water; and for payment of debts charged thereon.

8. An act for making a bridge over the river *Axe*, in the county of *Somerſet*.

9. An act to enable *John Whitehall* to charge certain lands with the ſum of 1500 *l.* towards portions for his younger children.

10. An act for ſale of the eſtate of *Suſan Chaplyn*, and *Dorothy Chaplyn* her daughter, for payment of debts, and making a proviſion for the ſaid *Suſan* and *Dorothy*.

11. An act to enable the truſtees of *Alice Turner*, widow, and her children, to make ſale of certain houſes, or ground, in or near *Lincoln's Inn Fields*, in the county of *Middleſex*, during the minority of the younger children.

12. An act to enable *Thomas Edwards* to ſell part of his eſtate for the payment of debts, and to reſtrain and diſable him to commit waſte upon the reſidue of the ſaid eſtate.

13. An act for ſettling the inheritance of ſome part of the eſtate of *Charles Turner*, eſq; (which lie diſperſed) to himſelf and his heirs, and ſettling an entire eſtate of greater value in lieu thereof, to the uſes the ſaid other parts of his eſtate were ſettled.

14. An act for ſale of the eſtate of *William Stephens*, deceaſed, for payment of the mortgage thereupon, and applying the overplus for the benefit of his ſons, who are infants.

15. An act to veſt the eſtate of *Mary*, *Elizabeth*, and *Anne Mildmay*, and *Edward Dixy* and *Arabella* his wife, and *Lucy* and *Anne Mildmay*, in truſtees, to be ſold for ſatisfaction of mortgages and debts thereupon, and preſerving the overplus for their benefit.

16. An act for ſettling the eſtate of Sir *John Maynard*, knight, deceaſed, late one of the lords commiſſioners

ſioners for the cuſtody of the great ſeal of *England*.

17. An act for payment of the debts of *John* lord *Stawell*, lately deceaſed.

18. An act to enable truſtees to ſell part of the eſtate of *Nathaniel Brent*, gent. deceaſed, to raiſe money for payment of his debts, and maintenance for his children, who are infants.

19. An act for veſting the third part of the manor of *Leckby*, alias *Letby*, and other lands in the county of *York*, in truſtees to be ſold; and for ſettling a farm, and other lands, in *Terling* and *Mack Leighs*, in the county of *Eſſex*, of greater value, to and upon the ſame uſes.

20. An act for erecting a new pariſh, to be called the pariſh of St. *John* of *Wapping* in the county of *Middleſex*.

21. An act for veſting in truſtees the eſtate late of Sir *James Beverly*, in *Huntingtonſhire*, to be ſold.

22. An act for naturalizing *Johanna D'Offerel* an infant, and her ſiſter and two brothers, and others.

Anno 6 *W. & M.*

Cap. 1. For granting to their Majeſties a ſubſidy of tunnage and poundage, and other ſums of money payable upon merchandiſes exported and imported.

Cap. 2. For the frequent meeting and calling of parliaments.

Anno 6 *W.* 3.

Cap. 3. For granting to his Majeſty an aid of four ſhillings in the pound, for one year; and for applying the yearly ſum of three hundred thouſand pounds, for five years, out of the duties of tunnage and poundage, and other ſums of money, payable upon merchandiſes exported and imported, for carrying on the war againſt *France* with vigour.

Cap. 4. For exempting apothecaries from ſerving the offices of conſtable, ſcavenger, and other pariſh and ward offices, and from ſerving upon juries.

Anno 6 & 7 *W.* 3.

Cap. 5. For enabling ſuch perſons as have eſtates for life in annuities, payable by ſeveral former acts therein mentioned, to purchaſe and obtain further or more certain intereſts in ſuch annuities; and in default thereof, for admitting other perſons to purchaſe or obtain the ſame, for raiſing monies for carrying on the war againſt *France*.

Cap. 6. For granting to his Majeſty certain rates and duties upon marriages, births, and burials, and upon batchelors, and widowers, for the term of five years, for carrying on the war againſt *France* with vigour.

Cap. 7. For granting to his Majeſty ſeveral additional duties upon coffee, tea, chocolate, and ſpices, towards ſatisfaction of the debts due for tranſport ſervice, for the reduction of *Ireland*.

Cap. 8. For continuing two former acts for puniſhing officers and ſoldiers, who ſhall mutiny or deſert his Majeſty's ſervice, and for puniſhing falſe muſters, and for payment of quarters, for one year longer.

Cap. 9. For appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts.

Cap. 10. For the better admeaſurement of keels, and keel boats, in the port of *Newcaſtle*, and the members thereunto belonging.

Cap. 11. For the more effectual ſuppreſſing profane curſing and ſwearing.

Cap. 12. For explaining and regulating ſeveral doubts, duties, and penalties in the late act for granting ſeveral duties upon vellum, parchment,

ment, and paper; and for aſcertaining the admeaſurement of the tunnage of ſhips.

Cap. 13. For raiſing the militia of this kingdom for the year 1695. and for repealing the ſtatute of 2 & 3 *Edw.* 6. intituled, *An act againſt ſhooting of hail ſhot.*

Cap. 14. For continuing ſeveral laws therein mentioned.

Cap. 15. To indemnify Sir *Thomas Cooke* from actions which he might be liable to, by reaſon of his diſcovering to whom he paid and diſtributed ſeveral ſums of money therein mentioned to be received out of the treaſure of the *Eaſt India* company, or for any proſecution for ſuch diſtribution.

Cap. 16. To prevent exactions of the occupiers of locks and wears upon the river of *Thames*, weſtward, and for aſcertaining the rates of water carriage upon the ſaid river.

Cap. 17. To prevent counterfeiting and clipping the coin of this kingdom.

Cap. 18. For granting to his Majeſty certain duties upon glaſs wares, ſtone and earthen bottles, coals, and culm, for carrying on the war againſt *France*.

Cap. 19. For impriſoning Sir *Thomas Cooke*, Sir *Bazil Firebrace*, *Charles Bates*, eſq; and *James Craggs*, and reſtraining them from alienating their eſtates.

Cap. 20. For the King's moſt gracious, general, and free pardon.

Private Acts.

Anno 6 *W. & M.*

1. An act for rebuilding the town of *Warwick*, and for determining differences touching houſes burnt and demoliſhed by reaſon of the late dreadful fire there.

2. An act for ſupplying certain defects in the directions made in and by a deed of truſt, and the laſt will of *George Pitt*, eſq; deceaſed, for ſettling his eſtate.

3. An act for naturalizing *Barnard Coſſerat*, alias *Maurte*, and *Alexander Pringli*, and others.

Anno 6 & 7 *W.* 3.

4. An act for ſettling divers manors and lands upon the marriage of the marquiſs of *Taviſtock*, grandſon of the duke of *Bedford*.

5. An act to enable the guardians of *James* earl of *Saliſbury* to make leaſes of *Saliſbury houſe*, and ſome other hereditaments in the *Strand*, in the county of *Middleſex*, for improvement thereof by building.

6. An act for confirming two indentures tripartite, the one of leaſe, the other of releaſe, made between the right honourable *Thomas* earl of *Thanet Iſland*, of the firſt part, the honourable *Sackville Tuſton*, eſq; of the ſecond part, and the honourable *William Cheyne*, eſq, and Sir *Charles Tufton*, knt. of the third part, and the eſtates thereby ſettled.

7. An act for the dividing and ſettling of the eſtate of the coheirs of *John* late earl of *Rocheſter*, and for diſcharging truſts thereupon.

8. An act for the veſting the manors of *Earls Croome* alias *Jeffrys Croome*, and *Baughton* in the county of *Worceſter*, in truſtees to be ſold, and for ſettling the manor houſe and royalty of *Wainfleet St. Mary*'s, in the county of *Lincoln*, and divers lands, parcel of the ſaid manor, of greater value, to and upon the ſame uſes; and to enable Sir *Robert Barkham*, bart. to make proviſion for his younger children.

9. An act to veſt in truſtees certain lands of Sir *Gervaſe Clifton*, bart. in the county of *Nottingham*, for payment of debts, and raiſing portions for younger children.

10. An act for enabling the inhabitants of the pariſh of *Chriſt Church*, in the county of *Surrey*, to make rates

rates for raiſing a maintenance for a good and able miniſter, and for the impowering the truſtees of the will of *John Marſhall*, deceaſed, to imploy monies for the finiſhing the ſaid pariſh church.

11. An act to confirm a grant made by the rector of the united pariſhes of St. *Michael Royal*, and St. *Martin in the Vintrey*, *London*, of part of St. *Martin*'s church-yard.

12. An act to enable truſtees to grant leaſes of the lands of *Henry Northly*, eſq; lately deceaſed, for payment of his debts, and providing a maintenance for his children.

13. An act to veſt certain lands and tenements, late of *John Eſtoſt* of *Etton*, in the county of *York*, eſq; in truſtees, to be ſold towards payment of the debts of the ſaid *John Eſtoſt*, and raiſing portions for his daughters.

14. An act to enable *Jane Rogers*, the widow and relict of *Brian Rogers*, late of *Falmouth*, merchant, deceaſed, and adminiſtratrix of his goods and chattels, with his will annexed, and other truſtees therein named, to ſell lands for the payment of the debts and legacies of the ſaid *Brian Rogers*, in performance of his ſaid will.

15. An act for ratifying and confirming a certain indenture of leaſe of *Marton Meare*, in the county of *Lancaſter*, made by the earl of *Derby* and others, to *Thomas Fleetwood*, eſq;

16. An act to veſt certain lands and tenements in truſtees, to be ſold for the better proviſion of the daughters and coheirs of *Joſeph Finch*, eſq; deceaſed.

17. An act to veſt in truſtees certain lands in *Kent*, and *Suſſex*, of *John Carlye*, eſq; for the payment of debts, and raiſing of portions for younger children, and to ſupply the defects of a conveyance intended for thoſe purpoſes.

18. An act to veſt certain lands of Sir *William Chaitor*, bart. in *Yorkſhire* and *Durham*, to be ſold for payment of debts charged thereon, and to ſecure portions for younger children.

19. An act for enabling Sir *Paul Whittott*, knt. and bart. and dame *Jane* his wife, to make leaſes for ninety nine years, of the manor of *Tooting Graveney*, and any of their meſſuages, lands, and hereditaments in *Tooting Graveney*, *Tooting Beak*, and *Streatham*, in the county of *Surrey*, for the better improvement thereof.

20. An act to enable *William Wanley*, an infant under the age of twenty one years, to new build ſeveral meſſuages or tenements in *Ax-yard*, *King-ſtreet*, *Weſtminſter*, and to enable his guardian to make one or more leaſe or leaſes for effecting the ſame.

21. An act for ſale of part of the eſtate of *Jonathan Webb*, eſq; for diſcharge of debts and incumbrances charged thereupon.

22. An act to enable *Elizabeth Howland* the widow of *John Howland*, eſq; deceaſed, to ſettle lands upon the marriage of his ſole daughter and heir, and for ſettling lands upon the ſaid widow *Howland* for her life, in lieu of dower; and for indemnifying Sir *Joſiah Child*, and the ſaid widow *Howland*, grandfather and mother of the ſaid heir, in diſpoſing of the perſonal eſtate belonging to her, upon her preferment in marriage, ſhe being under the age of twenty one years.

23. An act for the veſting certain lands and tenements, the eſtate of *George Gilbert Pierce* of the *Middle Temple*, *London*, eſq; in truſtees, for the raiſing monies for the payment of his debts.

24. An act for making ſalt water freſh.

25. An act to enable truſtees of *William Gage*, eſq; to raiſe money by a mort-

mortgage of part of his eſtate, for the preſervation of the timber growing thereon.

26. An act for the better enabling the executors and truſtees of Sir *Thomas Hare*, bart. lately deceaſed, to raiſe portions and maintenances for his younger children.

27. An act to enable *Peter Gallop*, gent. to ſell a farm and certain lands called *Wantſley*, and to veſt the inheritance thereof in fee-ſimple, in ſuch perſon or perſons, who ſhall be purchaſer or purchaſers thereof from him, ſubject only to the payment of the ſum of one thouſand pounds principal money, with the intereſt thereof, due and to grow due unto the executory eſtate of *Robert Mereſield*, gent. deceaſed.

28. An act for ſelling the eſtate of *John Kirk*, deceaſed, for payment of his debts.

29. An act to enable *Hannah Woollaſton*, widow, and *Jonathan* her ſon, an infant, to ſell certain lands and tenements in *Warnford*, in the county of *Southampton*, for payment of debts and legacies, according to the will of *Richard Woollaſton*, eſq; deceaſed.

30. An act for reverſing the attainder of *Jacob Leiſter*, and others.

Anno 7 W. 3.

Cap. 1. For remedying the ill ſtate of the coin of the kingdom.

Cap. 2. For enlarging the times to come in and purchaſe certain annuities therein mentioned, and for continuing the duties formerly charged on low wines, or ſpirits of the firſt extraction, for carrying on the war againſt *France*.

Cap. 3. For regulating of trials in caſes of treaſon and miſpriſion of treaſon.

Cap. 4. For preventing charge and expence in elections of members to ſerve in parliament.

Cap. 5. For granting to h
an aid of four ſhillings in
for one year, for carry
war againſt *France*.

Anno 7 & 8 W. 3

Cap. 6. For the more eal
of ſmall tithes.

Cap. 7. To prevent falſe
returns of members to ſe
liament.

Cap. 8. For taking, exam
ſtating the publick acco

Cap. 9. For repairing the
between the city of *Lond*
town of *Harwich*, in the
Eſſex.

Cap. 10. For continuing
ties granted by former
wine and vinegar, and u
co, and *Eaſt India* goods
merchandiſe imported, f
on the war againſt *Franc*

Cap. 11. For impowering
ſty to apprehend and d
perſons, as he ſhall fin
ſuſpect are conſpiring
royal perſon and governm

Cap. 12. For relief of poo
for debt or damages.

Cap. 13. For taking off the
and encouragement for c
neas, for a certain tim
mentioned.

Cap. 14. For making nav
rivers of *Wye*, and *La*
county of *Hereford*.

Cap. 15. For the continui
ing, and ſitting of a parl
caſe of the death or den
Majeſty, his heirs, and ſ

Cap. 16. For raiſing the
this kingdom for the yea
ſand ſix hundred and nin
though the month's pa
advanced be not repaid.

Cap. 17. To continue fo
acts for preventing theft
upon the *Northern* borde
land.

Cap. 18. For granting to h

ſeveral rates and duties upon houſes, for making good the deficiency of the clipt money.

Cap. 19. To encourage the bringing plate into the mint, to be coined; and for the further remedying the ill ſtate of the coin of the kingdom.

Cap. 20. For granting to his Majeſty an additional duty upon all *French* goods and merchandize.

Cap. 21. For the increaſe and encouragement of ſeamen.

Cap. 22. For preventing frauds, and regulating abuſes in the plantation trade.

Cap. 23. For continuing ſeveral former acts for puniſhing officers and ſoldiers who ſhall mutiny or deſert his Majeſty's ſervice, and for puniſhing falſe muſters, and for payment of quarters, for one year longer.

Cap. 24. Requiring the practicers of the law to take the oaths, and ſubſcribe the declaration therein mentioned.

Cap. 25. For the further regulating elections of members to ſerve in parliament; and for preventing irregular proceedings of ſheriffs, and other officers, in the electing and returning ſuch members.

Cap. 26. For repairing the highways between *Wymondham* and *Attleborough*, in the county of *Norfolk*.

Cap. 27. For the better ſecurity of his Majeſty's royal perſon and government.

Cap. 28. For the more effectually preventing the exportation of wool, and for the encouraging the importation thereof from *Ireland*.

Cap. 29. For the better amending and repairing the highways, and explanation of the laws relating thereunto.

Cap. 30. For laying ſeveral duties upon low wines, or ſpirits of the firſt extraction, and for preventing the frauds and abuſes of brewers, diſtillers, and other perſons chargeable with the duties of exciſe.

Cap. 31. For continuing to his Majeſty certain duties upon ſalt, glaſs wares, ſtone and earthen wares, and for granting ſeveral duties upon tobacco pipes, and other earthen wares, for carrying on the war againſt *France*, and for eſtabliſhing a national land-bank, and for taking off the duties upon tonnage of ſhips, and upon coals.

Cap. 32. For the eaſe of jurors, and better regulating of juries.

Cap. 33. For the better encouragement of the *Greenland* trade.

Cap. 34. That the ſolemn affirmation and declaration of the people called *quakers*, ſhall be accepted inſtead of an oath in the uſual form.

Cap. 35. For the enforcing the laws which reſtrain marriages without licence or banns; and for the better regiſtring marriages, births, and burials.

Cap. 36. For continuing ſeveral acts of parliament therein mentioned.

Cap. 37. For the encouragement of charitable gifts and diſpoſitions.

Cap. 38. To take away the cuſtom of *Wales*, which hinders perſons from diſpoſing their perſonal eſtates by their wills.

Cap. 39. For encouraging the linen manufacture of *Ireland*, and bringing flax and hemp into, and the making of ſail-cloth in this kingdom.

Private Acts.

Anno 7 W. 3.

1. An act for enabling the lady *Katharine Fane* to ſell the reverſion of certain fee-farm rents given her by her grandfather *John Bence*, eſq;

2. An act for enabling Sir *Thomas Parkyns*, bart. to ſell certain meſſuages, lands, and hereditaments in *Huby*, and *Eaſing-Would*, in the county of *York*, and for ſettling other lands

and hereditaments of greater value in lieu thereof.

3. An act to enable Sir *Thomas Pope Blount*, bart. to make a ſettlement upon the marriage of his eldeſt ſon.

4. An act for veſting the manor of *Madeley*, in the county of *Salop*, in truſtees, for certain purpoſes therein mentioned.

5. An act for enabling *Thomas Stoner*, eſq; ſon and heir of *John Stoner*, eſq; deceaſed, to make a jointure and ſettlement of his eſtate in marriage, notwithſtanding his minority.

6. An act for veſting ſeveral meſſuages and lands belonging to *Samuel Powell*, eſq; in truſtees, for payment of his debts.

Anno 7 & 8 *W.* 3.

7. An act to enable *Anthony* earl of *Kent*, and *Henry Grey* his ſon and heir apparent, to make a jointure for *Jemima*, wife of the ſaid *Henry Grey*.

8. An act to enable the lord *Francis Pawlet*, to charge his eſtate with proviſions for his younger children.

9. An act for veſting the eſtate late of Sir *Nicholas Stoughton*, and Sir *Lawrence Stoughton*, baronets, deceaſed, in truſtees, to be ſold for the payment of their debts, and raiſing portions for the daughters of the ſaid Sir *Nicholas Stoughton*.

10. An act to enable *Richard Haynes*, eſq; to ſettle a jointure on his now wife, and to exchange lands with the truſtees of *Thomas Stevens*, eſq; deceaſed.

11. An act for enabling truſtees to ſell part of the eſtate of *Edmund Warner*, deceaſed, for payment of his debts, and for preſerving the reſt for the benefit of his heir.

12. An act to enable *John Aunger*, an infant, and his mother, to make a leaſe of his eſtate for the improvement thereof.

13. An act to enable truſtees to ſell part of the manor of *Barkhamſtead*, and pay off the incumbrances charged on the ſame, and to lay out the overplus in an eſtate to be ſettled as the ſaid manor is now veſted.

14. An act for naturalizing *Henry de Naſſau*, and other children of *Henry de Naſſau, ſignior du Auverquerque*,

15. An act to enable *John Fownes*, eſq; to ſell certain lands in the county of *Devon*, which were ſettled on his marriage, and to ſettle other lands of an equal value to the ſame uſes,

16. An act to enable truſtees to exchange lands of Sir *James Chamberlain*, bart. an infant, lying in the common hill or field of *Salford*, in the county of *Oxford*, for the like quantities of lands there, in order to the making an incloſure.

17. An act to enable the pariſh of St. *James*, within the liberty of the city of *Weſtminſter*, to raiſe upon themſelves ſo much money as will diſcharge their debt for building their pariſh church, rector's houſe, veſtry, and other publick works there,

18. An act to aſcertain and ſettle the payment of the impropriate tithes of the pariſh of St. *Lawrence Old Jury*, in *London*, to the maſter and ſcholars of *Baliol College* in *Oxford*, and for confirming an award made concerning the ſame.

19. An act for naturalizing *James Stanhope*, eſq; and others.

20. An act for naturalizing *Solomon Eyme*, and others.

21. An act to confirm and eſtabliſh an exchange made between *Thomas Rider*, eſq; and *Chriſtopher Clitherow*, eſq; of certain meſſuages in *London*, for the manors of *Bilſington* and other lands in *Kent*, of the like value.

22. An act to enable truſtees to fill up leaſes of the reſpective eſtates of *Bluet Wallop*, eſq; and *John Wallop*, gent. during their minorities, and to purchaſe other lands by the fines thereby to be received, to the ſame

uſes

uſes as the eſtates ſo to be leaſed are already ſettled.

23. An act for enabling truſtees to ſell the manor of *Poſpoole*, in the county of *Durham*, part of the eſtate of *William Milford*, an infant, for payment of debts and incumbrances charged thereon; and for preſerving the reſt of the ſaid infant's eſtate.

24. An act for impowering the moſt noble *Anne* ducheſs of *Buckcleugh*, and the right honourable *James* earl of *Dalkeith*, her ſon, of the kingdom of *Scotland*, to grant leaſes for improving a piece of ground in the pariſh of St. *Martin in the Fields*, in the county of *Middleſex*.

25. An act to enable truſtees to raiſe money for the making a wet dock, and improving the eſtate of the marquiſs and marchioneſs of *Taviſtock*, at *Rotherhithe*, in the county of *Surrey*.

26. An act to naturalize *William*, commonly called viſcount *Tunbridge*, and other children of the earl of *Rochford*.

27. An act for the better improvement of a houſe and ground in *Great Queen-ſtreet*.

28. An act to enable truſtees to ſell a meſſuage, garden, and out-houſe, in *Lincoln's-Inn-Fields*, late Sir *Robert Sawyer's*, knt. deceaſed, and for purchaſing other lands and tenements to be ſettled to the ſame uſes.

29. An act for ſettling divers lands and rent-charges, on the rector of the church of *Maydwell*, in the county of *Northampton*, and his ſucceſſors; and in lieu thereof for ſettling other lands, and diſcharging tithes belonging to the ſaid church, according to ſeveral agreements between the patron and the ſaid rector, made upon the incloſing of lands in *Maydwell*, and afterwards with conſent of the ordinary, confirmed by ſeveral decrees in the court of chancery.

30. An act for ſettling the perſonal eſtate of *Richard Jones*, eſq; and *Mary Gufford*, ſpinſter, minors, in truſtees, for the purpoſes therein mentioned.

31. An act for the better ſupplying the city of *Briſtol*, with freſh water.

32. An act for erecting of hoſpitals and workhouſes within the city of *Briſtol*, for the better employing and maintaining the poor thereof.

33. An act for making good the laſt will of Sir *William Barkham*, baronet, deceaſed, and veſting of lands in truſtees, to be ſold for payment of his debts, and making proviſion for his children.

34. An act to enable Sir *Charles Heron*, bart. to ſell lands for payment of a portion and debts.

35. An act to enable Sir *Thomas Wagſtaff*, knt. to raiſe and ſecure a portion for *Frances* his only daughter and heir apparent.

36. An act for veſting the moiety of the manor of *Shipton Mallet* in the county of *Somerſet*, and divided moiety of the manor of *Wells* in the ſaid county, in truſtees, to be ſold for payment of a mortgage charged thereon, and for making a proviſion for the maintenance of *Mary* the wife of *William Sands*, eſq; and her children.

37. An act for making the towns of *Stretton*, and *Princethorpe*, a ſeparate pariſh from *Woolſton*, in the county of *Warwick*.

38. An act for veſting part of the eſtate of *Joſeph Dawſon*, eſq; in truſtees, for payment of debts, and for a proviſion for the maintenance and marriage of his daughters.

39. An act for ſale of lands in *Horſington* in the county of *Somerſet*, part of the eſtate of *William Ridout*, an infant, for payment of incumbrances charged thereon, and for preſerving the reſidue of the eſtate for the infant.

40. An

40. An act for veſting certain lands of *Thomas Bigg* and his wife, in *Chiſlet*, in the county of *Kent*, in truſtees, for payment of debts, and making proviſion for their children.

41. An act for reveſting in his Majeſty the honour of *Tutbury*, foreſt of *Needwood*, ſeveral manors, parks, lands, and offices, and other profits thereunto belonging, and for vacating certain letters patent therein mentioned.

END of the TABLE.

THE

STATUTES at Large, &c.

SESSIO PRIMA.

Anno Regni GULIELMI & MARIÆ *primo.*

Statutes *made in the parliament begun at* Weſtminſter *the thirteenth day of* February, *in the firſt year of their Majeſties reign.*

CAP. I.

An act for removing and preventing all queſtions and diſputes concerning the aſſembling and ſitting of this preſent parliament.

FOR preventing all doubts and ſcruples which may in any wiſe ariſe concerning the meeting, ſitting, and proceeding of this preſent parliament; be it declared and enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, now aſſembled, and by authority of the ſame:

II. That the lords ſpiritual and temporal, and commons, convened at *Weſtminſter*, the two and twentieth day of *January*, in the year of our Lord one thouſand ſix hundred eighty-eight, and there ſitting on the thirteenth day of *February* following, are the two houſes of parliament, and ſo ſhall be, and are hereby declared, enacted, and adjudged to be, to all intents, conſtructions, and purpoſes whatſoever, notwithſtanding any want of writ or writs of ſummons, or any other defect of form or default whatſoever, as if they had been ſummoned according to the uſual form: and that this preſent act, and all other acts, to which the royal aſſent ſhall at any time be given before the next prorogation after the ſaid thirteenth of *February*, ſhall be underſtood, taken, and adjudged in law, to begin and commence upon the ſaid thirteenth of *February*, on which day their ſaid Majeſties, at the requeſt, and by the advice of the lords and commons, did accept the crown and royal dignity of King and Queen of *England*, *France*, and *Ireland*, and the dominions and territories thereunto belonging. The convention declared a parliament.

III. And be it further enacted by the authority aforeſaid, That the act made in the thirtieth year of King *Charles* the Second, intituled, *An act for the more effectual preſerving the King's perſon and government, by diſabling of papiſts from ſitting in either houſe of parliament*, and all other acts of parliament, as to ſo The old oaths of allegiance, &c. not to be taken by members, 30 Car. 2. ſtat. 2, c. 1.

ſo much of the ſaid act or acts only as concerns the taking the oaths of ſupremacy and allegiance, or either of them, in the ſaid act or acts reſpectively mentioned, by any member or members of either houſe of parliament, with relation to their ſitting and voting in parliament, ſhall be, and are hereby repealed to all intents and purpoſes; any thing in the ſaid recited act or acts to the contrary notwithſtanding.

New oaths ſubſtituted in the place of the old.

IV. And be it further enacted, That the taking the oaths herein after mentioned, and the making, ſubſcribing, and repeating the declaration in the ſaid act of the thirtieth year of King *Charles* the Second mentioned, by every member of either houſe of this preſent parliament, from and after the firſt day of *March* next enſuing, in ſuch manner as the taking the ſaid oaths of allegiance and ſupremacy, and the making, ſubſcribing, and repeating the ſaid declaration in the ſaid laſt mentioned act are required, ſhall be good and effectual to all intents and purpoſes, as if the ſaid oaths of allegiance and ſupremacy had been taken, and the ſaid declaration had been made, ſubſcribed, and repeated in ſuch manner, and at ſuch time, as by the ſaid act or acts, or any of them, they are required. And that, in all future parliaments, the oaths herein after mentioned, and the declaration in the ſaid act, made in the thirtieth year of King *Charles* the Second mentioned, ſhall be taken, made, ſubſcribed, and repeated by every member of either houſe of parliament, within the time, and in the ſame manner and form, and under the penalties and diſabilities, as the ſaid oaths of allegiance and ſupremacy, and the ſaid declaration, by the ſaid act of the thirtieth year of King *Charles* the Second are limited, ordained, and appointed to be taken, made, ſubſcribed, and repeated, and not at any other time, or in any other manner, to enable them to ſit and vote in parliament; any thing in the ſaid act or acts, or any of them, to the contrary notwithſtanding.

The oaths.

V. And it is hereby further enacted and declared by the authority aforeſaid, That the oaths above appointed by this act, to be taken in the ſtead and place of the oaths of allegiance and ſupremacy, ſhall be in the words following, and no other.

Allegiance.

VI. I A. B. *do ſincerely promiſe and ſwear, That I will be faithful, and bear true allegiance to their majeſties King* William *and Queen* Mary:

So help me God.

Supremacy.

VII. I A. B. *do ſwear, That I do from my heart abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition,* That princes excommunicated or deprived by the Pope, or any authority of the ſee of *Rome*, may be depoſed or murdered by their ſubjects, or any other whatſoever. *And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate hath, or ought to have, any power, juriſdiction ſuperiority, pre-eminence, or authority, eccleſiaſtical or ſpiritual, within this realm:*

So help me God.

VIII. Provided always, and be it declared, That this preſent Parliament may be diſſolved after the uſual manner, as if the ſame had been ſummoned and called by writ. Parliament diſſolved as formerly.

CAP. II.

An act for impowering his Majeſty to apprehend and detain ſuch perſons as he ſhall find juſt cauſe to ſuſpect are conſpiring againſt the government. EXP.

CAP. III.

An act for the granting a preſent aid to their Majeſties. EXP.

CAP. IV.

An act for reviving of actions and proceſs lately depending in the courts at Weſtminſter, *and diſcontinued by the not holding of* Hilary *term, and for ſupplying other defects relating to proceedings at law.*

WHEREAS *the term of St.* Hilary, *in the year of our Lord one thouſand ſix hundred eighty-eight, could not be holden and kept, for which, if due proviſion be not made, great delay of juſtice, and conſequently great expences to the ſuitors in the ſeveral courts uſually held at* Weſtminſter *will enſue: therefore for the continuing and reviving all manner of actions or pleas lately depending, and all manner of proceſs that were returnable or depending in any of the ſaid courts, and which were diſcontinued and put without day by the not holding the ſaid term,* &c. EXP. Proclamation upon fines ſhall be accounted made. Judgments by confeſſion to be entred in Eaſter term. All offences and actions, during the *Interregnum*, ſuable. The year of our Lord to be inſerted inſtead of the King's reign. Indictments, &c. *contra pacem Regni*. Bonds, &c. made to King James, in force. All proceſs, &c. of Michaelmas term, good. Bail bonds taken by a judge before the 11th of December, and commitments upon them, good. The time betwixt the 10th of December and 12th of March not reckoned in *Quare Impedit* or ſtatute of limitations.

CAP. V.

An act for puniſhing officers and ſoldiers who ſhall mutiny or deſert their Majeſties ſervice, to continue till November, 1689, and no longer. EXP.

CAP. VI.

An act for eſtabliſhing the coronation oath.

WHEREAS *by the law and ancient uſage of this realm, the Kings and Queens thereof have taken a ſolemn oath upon the Evangeliſts at their reſpective coronations, to maintain the ſtatutes, laws, and cuſtoms of the ſaid realm, and all the people and inhabitants thereof, in their ſpiritual and civil rights and properties: but foraſmuch as the oath itſelf on ſuch occaſion adminiſtred, hath heretofore been framed in doubtful words and expreſſions, with relation to ancient laws and conſtitutions at this time unknown:* to the end therefore that one uniform oath may be in all times to come taken by the Kings and Queens of this realm, and to them reſpectively adminiſtred at the times of their and every of their coronation; may it pleaſe your Majeſties that it may be enacted:

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the

An oath to be taken by the King and Queen.

lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the oath herein mentioned, and hereafter expreſſed, ſhall and may be adminiſtred to their moſt excellent majeſties King *William* and Queen *Mary* (whom God long preſerve) at the time of their coronation, in the preſence of all perſons that ſhall be then and there preſent at the ſolemnizing thereof, by the archbiſhop of *Canterbury*, or the archbiſhop of *York*, or either of them, or any other biſhop of this realm, whom the King's majeſty ſhall thereunto appoint, and who ſhall be hereby thereunto reſpectively authorized; which oath followeth, and ſhall be adminiſtred in this manner; that is to ſay,

The archbiſhop or biſhop ſhall ſay,

Coronation oath.

III. *Will you ſolemnly promiſe and ſwear to govern the people of this kingdom of* England, *and the dominions thereto belonging, according to the ſtatutes in parliament agreed on, and the laws and cuſtoms of the ſame?*

The King and Queen ſhall ſay,

I ſolemnly promiſe ſo to do.

Archbiſhop or biſhop.

Will you to your power cauſe law and juſtice in mercy to be executed in all your judgements?

King and Queen.

I will.

Archbiſhop or biſhop.

Will you to the utmoſt of your power maintain the laws of God, the true profeſſion of the goſpel and the proteſtant reformed religion eſtabliſhed by law? and will you preſerve unto the biſhops and clergy of this realm, and to the churches committed to their charge, all ſuch rights and privileges as by law do or ſhall appertain unto them, or any of them?

King and Queen.

All this I promiſe to do.

After this, the King and Queen laying his and her hand upon the holy goſpels, ſhall ſay,

King and Queen.

The things which I have here before promiſed, I will perform and keep:

So help me God.

Then the King and Queen ſhall kiſs the book.

IV. And

IV. And be it further enacted, That the ſaid oath ſhall be in like manner adminiſtred to every King or Queen, who ſhall ſucceed to the imperial crown of this realm, at their reſpective coronations, by one of the archbiſhops or biſhops of this realm of *England*, for the time being, to be thereunto appointed by ſuch King or Queen reſpectively, and in the preſence of all perſons that ſhall be attending, aſſiſting, or otherwiſe preſent at ſuch their reſpective coronations; any law, ſtatute, or uſage to the contrary notwithſtanding. All Kings, &c. to take the oath.

CAP. VII.

An act for impowering his Majeſty to apprehend and detain ſuch perſons as he ſhall find juſt cauſe to ſuſpect are conſpiring againſt the government. EXP.

CAP. VIII.

An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths.

WHEREAS *by a ſtatute made in the firſt year of our late ſovereign lady Queen* Elizabeth, *intituled*, An act to reſtore to the crown the ancient juriſdiction over the eſtate eccleſiaſtical and ſpiritual, and aboliſhing all foreign powers repugnant to the ſame, *the perſons therein mentioned were obliged to take an oath therein mentioned, commonly called the* Oath of Supremacy: *and whereas by another ſtatute made in the third year of the reign of our late ſovereign lord King* James *the firſt, intituled*, An act for the better diſcovering and repreſſing popiſh recuſants, *another oath, commonly called the* Oath of Allegiance *or* Obedience, *was required to be taken by the perſons therein mentioned:* 1 Eliz. c. 1. 3 Jac. 1. c. 4.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth no perſon whatſoever ſhall be obliged to take the ſaid oaths, or either of them, by force or virtue of the ſaid ſtatutes, or either of them, or any other ſtatute whatſoever, but that the ſaid ſtatutes, and every other ſtatute, for ſo much only as concerns the ſaid oaths, and the ſaid oaths themſelves, ſhall be and are hereby repealed, utterly abrogated, and made void. The old oaths of allegiance and ſupremacy abrogated.

III. And be it further enacted by the authority aforeſaid, That the oaths appointed by this preſent act to be taken, and the declaration likewiſe appointed by this preſent act to be made, repeated, and ſubſcribed, ſhall, from and after the firſt day of *May*, in the year one thouſand ſix hundred eighty-nine, be taken, made, repeated, and ſubſcribed by every ſuch perſon and perſons as were appointed and required by any act or acts whatſoever, to take the ſaid abrogated oaths of ſupremacy and allegiance, or either of them, before ſuch perſon or perſons, as hereafter in this act is expreſſed; that is to ſay, all and every archbiſhop and biſhop that now is, and all and every perſon, of or above the degree of a baron of parliament, in their Majeſties high court of chancery, or in their Majeſties court of king's bench, in publick and open court, between the hours of nine of the The new oaths and declaration by whom and how to be taken.

... before the end of *Trinity* ... ſeſſions to be holden for ... they ſhall be, inhabit, or re- ... the ſaid hours of nine and twelve ... before the firſt day of *Auguſt* next; ... record in the reſpective courts.

... other ſuch perſon and perſons ſhall ... and make, repeat, and ſubſcribe the ſaid ... ancient act required to be taken, made, and ... ſuch perſon or perſons reſpectively, as by any ... authorized or impowered to tender the ſaid ... now abrogated and made void; which ſaid ... reſpectively authorized to miniſter or ten- ... oaths and declaration, are hereby required to mi- ... tender the ſame accordingly.

... be it further enacted by the authority aforeſaid, ... perſons (other than ſuch concerning whom other pro- ... ſhall be made in this act, or in any other act of this pre- ... ſeſſion of parliament) that ſhall hereafter be admitted into ... office or employment eccleſiaſtical or civil, or come into any capacity, in reſpect or by reaſon whereof they ſhould have been obliged by any ſtatute to take the ſaid abrogated oaths, or either of them, ſhall take the oaths hereby appointed, in ſuch manner, at ſuch times, before ſuch perſons, and in ſuch courts and places, as they ſhould or ought to have taken the ſaid former oaths, or either of them, in caſe the ſame had not been abrogated, as aforeſaid. And that every ſuch perſon, who ſhall neglect or refuſe to take the ſame, ſhall incur and be liable to the ſame penalties, forfeitures, diſabilities, and incapacities as by any ſuch ſtatute was appointed, for or upon neglect, or refuſal to take the ſaid former oaths hereby abrogated, or either of them.

... alty ... neglect.

Perſons now in office neglecting, the office to be void.

VI. And be it further enacted, That if any perſon now having any office or employment, civil or military, ſhall neglect or refuſe to take the ſaid oaths hereby appointed to be taken, in ſuch manner as by this act is directed, before the firſt day of *Auguſt*, in the year one thouſand ſix hundred eighty-nine, or ſooner if required thereunto by any order from his Majeſty in council, before ſuch perſons as by the ſaid order ſhall be appointed to take and receive the ſame, that in every ſuch caſe the ſaid office and employment of every perſon ſo neglecting or refuſing, ſhall be void, and is hereby adjudged void.

Eccleſiaſtical perſons now in benefice, &c. neglecting, to be ſuſpended, &c.

VII. And be it further enacted by the authority aforeſaid, That if any archbiſhop or biſhop, or any other perſon now having any eccleſiaſtical dignity, benefice, or promotion, ſhall neglect or refuſe to take the oaths by this act appointed to be taken, in ſuch manner as by this act is directed, before the firſt day of *Auguſt*, in the year one thouſand ſix hundred eighty-nine, every ſuch perſon and perſons ſo neglecting or refuſing, ſhall be, and is, and are hereby declared and adjudged to be, ſuſpended from the execution of his or their office by the ſpace of ſix months, to be accounted from the ſaid firſt day of *Auguſt*:

and

and if the ſaid perſon or perſons (ſo having neglected or refuſed) ſhall not within the ſaid ſpace of ſix months take the ſaid oaths in ſuch manner, court, or place, as they ought to have taken the ſame, before the ſaid firſt day of *Auguſt*; then he or they ſhall be *ipſo facto* deprived, and is, and are hereby adjudged to be deprived of his and their offices, benefices, dignities, and promotions eccleſiaſtical.

Perſons who are now maſters of colleges, &c. neglecting, how puniſhed.

VIII. And be it further enacted, That if any perſon or perſons now being maſter, governor, head, or fellow of any college or hall, in either of the two univerſities, or of any other college, or maſter of any hoſpital or ſchool, or profeſſor of divinity, law, phyſick, or other ſcience in either of the ſaid univerſities, or in the city of *London*, ſhall neglect or refuſe to take the oaths by this act appointed to be taken, in ſuch manner, and before ſuch perſons as by this act is directed, before the firſt day of *Auguſt*, in the year one thouſand ſix hundred eighty nine; every ſuch perſon and perſons ſo neglecting or refuſing, ſhall be, and is and are hereby declared and adjudged to be, ſuſpended from the execution of his or their office and employment, and from his or their maſterſhip, government, fellowſhip, and profeſſorſhip reſpectively, for the ſpace of ſix months, to be accounted from the ſaid firſt day of *Auguſt*: And if the ſaid perſon or perſons (ſo having neglected or refuſed) ſhall not within the ſaid ſpace of ſix months take the ſaid oaths in ſuch court or place, and before ſuch perſons, and in ſuch manner, as they ought to have taken the ſame before the ſaid firſt day of *Auguſt*, that in every ſuch caſe the ſaid office and employment, maſterſhip, government, fellowſhip, and profeſſorſhip of every perſon ſo neglecting or refuſing, ſhall be void, and is hereby adjudged void.

Perſons refuſing to take the oaths upon tender, to be committed.

IX. And be it further enacted, That if any ſuch other perſon or perſons (other than the perſons ſpecially above-mentioned) ſhall refuſe to take the ſaid oaths, or either of them, when tendred to him or them by any perſons lawfully authorized, as is aforeſaid, to adminiſter or tender the ſame; the perſon or perſons ſo tendring the ſaid oaths, or either of them, ſhall commit the ſaid perſon and perſons ſo refuſing to the common gaol or houſe of correction, there to remain without bail or mainprize for the ſpace of three months, unleſs ſuch offender ſhall pay down to the ſaid perſon or perſons ſo tendring the ſaid oaths, or either of them, ſuch ſum of money, not exceeding forty ſhillings, as the ſaid perſon or perſons ſo tendring the ſaid oaths, or either of them, ſhall require ſuch offender to pay for his or her ſaid refuſal; which money ſhall be paid to the churchwardens or overſeers of the poor, for the relief of the poor of the pariſh or place where ſuch offender did laſt inhabit: And if at the end of three months after ſuch refuſal, the perſon and perſons ſo refuſing ſhall again refuſe to take the ſaid oaths, or either of them, when lawfully tendered to him or them, as is aforeſaid; the ſaid perſon or perſons ſo tendring the ſaid oaths, or either of them, ſhall commit the ſaid perſon and perſons ſo refuſing

Second refuſal.

fuſing to the common goal or houſe of correction, there to remain for the ſpace of ſix months, unleſs every ſuch offender ſhall pay down to the perſon or perſons ſo tendring the ſaid oaths, or either of them, ſuch ſum of money, not exceeding ten pounds, nor under five pounds, as the ſaid perſon or perſons ſo tendring the ſaid oaths, or either of them, ſhall require ſuch offender to pay for his or her ſaid ſecond refuſal; the ſaid money to be diſpoſed in manner aforeſaid; and unleſs every ſuch offender ſhall become bound with two ſufficient ſureties, with condition to be of the good behaviour, and alſo to appear at the next aſſizes or general gaol-delivery to be holden for the county, liberty, or place where ſuch offender ſhall then inhabit or reſide; at which aſſizes or gaol-delivery the ſaid oaths ſhall be again tendred to every ſuch offender by the juſtices of aſſizes or gaol-delivery, in their open aſſizes or gaol-delivery; and if the ſaid offender ſhall refuſe to take the ſaid oaths, or either of them, when tendred to him or her by the ſaid juſtices of aſſizes or gaol-delivery, as is aforeſaid, then every perſon and perſons ſo refuſing, ſhall be and is and are hereby adjudged incapable of any office, civil or military, within this kingdom, and ſhall likewiſe be and remain bound to the good behaviour, until he or they do take the ſaid oaths. And in caſe ſuch perſon or perſons ſhall refuſe alſo to make and ſubſcribe the declaration mentioned in the ſtatute made in the thirtieth year of the reign of King *Charles* the Second, intituled, *An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament*, ſuch perſon and perſons ſhall ſuffer all pains, penalties, forfeitures, and diſabilities as a popiſh recuſant convict, and be taken and deemed a popiſh recuſant convict, to all intents and purpoſes whatſoever.

Third refuſal. Penalty for refuſing declaration. 30 Car. 2. ſtat. 2. c. 1.

X. And be it further enacted by the authority aforeſaid, That all and every commiſſion-officer and officers, and non-commiſſion or warrant-officer and officers, that are already imployed in their Majeſties ſervice by ſea or land, ſhall take the ſaid oaths, and alſo make, repeat, and ſubſcribe the declaration mentioned in the ſaid ſtatute made in the thirtieth year of the reign of King *Charles* the Second, before the lord high admiral of *England*, or the commiſſioners for executing the office of lord high admiral, or their deputies, or ſuch other perſons as their Majeſties ſhall authorize or appoint to adminiſter and accept the ſame reſpectively; and that all and every ſuch perſon and perſons as ſhall hereafter be put into any ſuch imployment by ſea or land, ſhall, before the delivery of ſuch commiſſion or warrant to ſuch officer, take the ſaid oaths, and make, repeat, and ſubſcribe the ſaid declaration before the lord high admiral, or commiſſioners of the admiralty, or their deputies, as aforeſaid, or ſuch perſon as ſhall iſſue ſuch commiſſion or warrant, or ſuch others as ſhall be authorized to adminiſter the ſame as aforeſaid reſpectively, who are hereby reſpectively authorized and required to tender, adminiſter, and accept the ſame; and all and every ſuch officer or officers, that ſhall refuſe to take the ſaid oaths, and

Land and ſea officers to take the oaths and declaration.

Penalty.

and make and ſubſcribe the ſaid declaration, ſhall be incapable of receiving, taking, holding, or executing ſuch office or imployment.

XI. And be it further enacted, That the oath appointed by the ſtatute made in the thirteenth and fourteenth years of King *Charles* the Second, intituled, *An act for ordering the forces in the ſeveral counties of this kingdom*, the form and words of which oath are in the ſame ſtatute expreſſed; and alſo ſo much of a declaration preſcribed in another act made in the ſame year, intituled, *An act for the uniformity of publick prayers, and adminiſtration of the ſacraments, and other rites and ceremonies: and for eſtabliſhing the form of making, ordaining, and conſecrating biſhops, prieſts, and deacons, in the church of* England, as is expreſſed in theſe words, (*viz.*) The oath and declaration appointed by two acts of 13 & 14 Car. 2. c. 3. & 4. made void.

I A. B. *declare, That it is not lawful upon any pretence whatſoever to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him:*

ſhall not from henceforth be required or enjoined, nor any perſon ſuffer any forfeiture, penalty, or loſs, by the not taking, ſubſcribing, or making the ſaid oath, or the ſaid recited part of the ſaid declaration; the laſt fore-mentioned ſtatutes, or any other law or ſtatute to the contrary in any wiſe notwithſtanding.

XII. And be it enacted, That the oaths that are intended and required to be taken by this act, are the oaths in theſe expreſs words hereafter following; Oaths by this act.

I A. B. *do ſincerely promiſe and ſwear, That I will be faithful, and bear true allegiance, to their majeſties King* William *and Queen* Mary:

So help me God, &c.

I A. B. *do ſwear, That I do from my heart abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition,* That princes excommunicated or deprived by the pope, or any authority of the ſee of *Rome*, may be depoſed or murdered by their ſubjects, or any other whatſoever.

And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate, hath or ought to have any juriſdiction, power, ſuperiority, pre-eminence, or authority, eccleſiaſtical or ſpiritual, within this realm:

So help me God, *&c.*

XIII. And be it further enacted by the authority aforeſaid, That the names of all and ſingular ſuch perſons and officers aforeſaid, that do or ſhall, in the court of chancery, King's bench, or quarter ſeſſions, take the oaths by this act required or appointed to be taken, ſhall be in the ſaid reſpective courts of chancery and King's bench, and the quarter ſeſſions, inrolled with the day and time of their taking the ſame, in rolls made and Names of perſons who take the oaths to be inrolled,

and kept only for that intent and purpoſe, and for no other. The which rolls, as for the court of chancery, ſhall be publickly hung up in the office of the petty-bag; and the rolls for the King's bench, in the crown office of the ſaid court; and in ſome publick place in every quarter ſeſſions, and there remain, during the whole term, every term, and during the whole time of the ſaid ſeſſions, in every quarter ſeſſions, for every one to reſort to, and look upon without fee or reward. And none of the perſon or perſons aforeſaid ſhall give or pay, as any fee or reward to any officer or officers belonging to any of the courts as aforeſaid, above the ſum of twelve pence for his or their entry of his or their taking of the ſaid oaths by this act required or appointed to be taken.

To be viewed without fee.

Twelve pence for the oath.

Proviſion for members of corporations who could not take the abrogated oaths ſince December laſt. 13 Car. 2. ſtat. 2. c. 1.

XIV. *And whereas ſince the eleventh day of* December, *in the year of our Lord, one thouſand ſix hundred eighty eight, the ſaid abrogated oaths could not be taken by any perſon that was elected or placed in any office of magiſtracy, or place of truſt relating to or concerning the government of any city, corporation, borough, cinque-port, or their members, or other port-town, at the time of his being admitted and ſworn into ſuch office, place, or employment, by reaſon whereof his ſaid election, placing, and choice into ſuch office or employment, by one act, intituled,* An act for the well governing of corporations, *is enacted and declared to be void*; be it therefore enacted by the authority aforeſaid, That if any ſuch officer ſhall, before the firſt day of *Auguſt*, in the year of our Lord one thouſand ſix hundred eighty nine, take the oaths herein mentioned and required to be taken, before ſuch perſon or perſons, who by the ſaid act ſhould have adminiſtred the ſaid abrogated oaths, at the time of his admiſſion into ſuch office or employment, the ſaid election and placing into ſuch office or employment ſhall be taken and adjudged to be as good and effectual, as if he had taken the ſaid abrogated oaths; any thing in the ſaid act, or in any other ſtatute to the contrary in any wiſe notwithſtanding.

Proviſion for officers who could not take the abrogated oath ſince Michaelmas laſt. 25 Car. 2. c. 2.

XV. *And whereas ſince the feaſt of St.* Michael *laſt paſt, divers perſons have been admitted into offices, employments, or places of truſt, and could not take the ſaid abrogated oaths, and ſubſcribe the declaration at ſuch time, and in ſuch manner, as is directed and appointed by one act made the five and twentieth of the late King* Charles *the Second, intituled,* An act for preventing of dangers that may happen from popiſh recuſants; be it therefore enacted by the authority aforeſaid, That if any ſuch perſon ſhall, before the end of *Trinity* term next, in the high courts of chancery or King's bench, or before the firſt of *Auguſt*, in the year of our Lord one thouſand ſix hundred eighty nine, at the quarter ſeſſions for that county or place where he or they ſhall inhabit or reſide, or execute the ſaid office or employment, take the oaths in this act mentioned and appointed to be taken, and repeat and ſubſcribe the ſaid declaration, and take the ſacrament of the Lord's ſupper according to the uſage of the church of *England*, and procure certificate thereof, in ſuch manner as in the ſaid act is required, directed, and appointed, that then ſuch perſon ſhall and

and is hereby indemnified and discharged from any penalty or disability that he might or should have incurred by the said act, and shall and is hereby adjudged to have been and be as good and sufficient an officer from the time of his admission, as if he had taken the said abrogated oaths, and performed all other things required by the said act; any thing to the contrary in any wise notwithstanding.

King may allow to 12 of the nonjurant clergy subsistence.

XVI. Provided always, and be it enacted by the authority aforesaid, That it be left to the King, to allow to such of the clergy as shall refuse the oaths prescribed by this act, as he shall think fit, not exceeding the number of twelve, an allowance out of their ecclesiastical benefices or promotions for their subsistence, not exceeding a third part, and to continue during his Majesty's pleasure, and no longer.

CAP. IX.

An act for the amoving papists, and reputed papists, from the cities of London *and* Westminster, *and ten miles distance from the same.*

WHEREAS *the great numbers of papists resorting to the cities of* London *and* Westminster *are and for a long time have been found dangerous to the peace and safety of this kingdom:* For the better preservation of the common safety, and avoiding their mischievous practices and designs:

Lord mayor, &c. may tender declaration of 30 Car. 2. to papists or so reputed.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for the better discovering and amoving all papists and reputed papists out of the said cities, and ten miles of the same, it shall and may be lawful, and it is hereby required, that the lord mayor of *London* for the time being, and every justice of the peace of the city of *London*, and for the city and liberties of *Westminster*, and borough of *Southwark*, and of the counties of *Middlesex*, *Surrey*, *Kent*, and *Sussex**, within their respective counties, cities, boroughs, and limits, do from time to time cause to be arrested and brought before him every person or persons, not being a merchant foreigner, within the said cities, or within ten miles of the same, as are or are reputed to be papists, and tender unto him the declaration mentioned in the statute made in the thirtieth year of King *Charles* the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament:* And in case such person, upon such tender, refuse audibly and solemnly to repeat, make, and subscribe the said declaration, and shall after such refusal remain, continue, or be within the said city or cities, or ten miles distance from the same, that in every such case he or she shall forfeit and suffer, as a popish recusant convict by the laws already established shall or may forfeit or suffer.

* Suffex *mistaken for* Essex, *infra*, c. 17.

30 Car. 2. stat. 2. c. 1.

Penalty for refusal.

III. And

Juſtices of peace ſhall certify ſubſcribers and refuſers into the King's bench, &c.

III. And it is hereby further enacted, That every juſtice of peace ſhall and do certify all and every ſubſcription before him by virtue of this act taken, and likewiſe the names of all and every perſon refuſing to repeat, take, make, or ſubſcribe, as aforeſaid, upon tender, under the hand and ſeal of the ſaid juſtice, into the court of King's bench, the next term, or elſe at the next quarter ſeſſions that ſhall be of or for the county or place where ſuch taking, ſubſcribing, or refuſal ſhall happen: And if the ſaid perſon, ſo refuſing and certified, ſhall not, within the next term or ſeſſions after ſuch refuſal, appear in the court of King's bench or ſeſſions where ſuch certificate ſhall be returned, and in open court audibly and ſolemnly repeat, take, make, and ſubſcribe the declaration aforeſaid, and indorſe or enter his ſo doing upon the certificate ſo returned, ſhall be, from the time of ſuch his neglect or refuſal, taken, eſteemed, and adjudged a popiſh recuſant convict, and as ſuch to forfeit and be proceeded againſt.

Penalty upon perſon certified to have refuſed, if he take not the oaths next term, &c.

Tradeſmen, &c. excepted, if they certify their names, &c. at the ſeſſions.

IV. Provided always, That this act ſhall not extend to ſuch perſon or perſons as now uſe any trade, myſtery, or manual occupation within the ſaid liberties of *London* and *Weſtminſter*, or within ten miles of the ſame; nor to ſuch as within ſix months before the thirteenth day of *February*, one thouſand ſix hundred eighty eight, had their dwellings or places of abode within the ſaid cities, or ten miles compaſs of the ſame, not having any dwelling or place of abode elſewhere, ſo as he or they before the firſt day of *Auguſt*, one thouſand ſix hundred eighty nine, do certify his or their names, additions, and places of abode, at the ſeſſions of the peace to be held for the ſaid reſpective cities, counties, or places: And the clerk of the peace ſhall not take or receive above two pence for the entry of the name, addition, and place of abode of any one perſon.

Ambaſſadors ſervants excepted.

V. Provided, That nothing in this act ſhall relate to, or have any effect upon, any foreigner that is or ſhall be a menial ſervant to any ambaſſador or publick agent.

Queen dowager's ſervants excepted.

VI. Provided, That nothing in this act ſhall relate to, or have any effect upon, any perſon being a natural-born ſubject of the King of *Portugal*, who now is, or hereafter ſhall be, a ſworn ſervant to the Queen dowager, nor to any other ſervants being natural-born ſubjects of their Majeſties, as her majeſty the Queen dowager ſhall under her hand and ſeal, from time to time for that purpoſe be pleaſed to nominate, the ſaid ſervants ſo nominated not exceeding the number of thirty at any one time, ſo as none of the ſaid ſervants, being natural-born ſubjects of their Majeſties, be a jeſuit, prieſt, monk, or fryar; any law or ſtatute to the contrary notwithſtanding.

CAP. X.

An act for the taking away the revenue ariſing by hearth-money.

Preamble.

WHEREAS *his Majeſty having been informed that the revenue of hearth-money was grievous to the people, was pleaſed by his gracious*

gracious meſſage ſent to the commons aſſembled in parliament, to ſignify his pleaſure, either to agree to a regulation of it, or to the taking it wholly away, as ſhould be thought moſt convenient by the ſaid commons. And whereas upon mature deliberation, the ſaid commons do find, That the ſaid revenue cannot be ſo regulated, but that it will occaſion many difficulties and queſtions, and that it is in itſelf not only a great oppreſſion to the poorer ſort, but a badge of ſlavery upon the whole people, expoſing every man's houſe to be entred into, and ſearched at pleaſure by perſons unknown to him.

II. *We your Majeſty's moſt dutiful and loyal ſubjects the commons, being filled with a moſt humble and grateful ſenſe of your Majeſty's unparallelled grace and favour to your people, not only by reſtoring their rights and liberties which have been invaded contrary to law, but in deſiring to make them happy and at eaſe, by taking away ſuch burthens as by law were fixed upon them, by which your Majeſty will erect a laſting monument of your goodneſs in every houſe in the kingdom; do moſt humbly beſeech your Majeſty, That the ſaid revenue of hearth-money may be wholly taken away and aboliſhed.*

III. And be it enacted by the King and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the parliament begun at *Weſtminſter* the eighth day of *May* in the thirteenth and fourteenth year of the reign of his late Majeſty King *Charles* the Second, intituled, *An act for the eſtabliſhing an additional revenue upon his Majeſty, his heirs and ſucceſſors, for the better ſupport of his and their crown and dignity*; and another act made in the ſecond ſeſſion of the ſaid parliament in the fifteenth year of his ſaid late Majeſty's reign, intituled, *An additional act for the better ordering and collecting the revenue ariſing by hearth-money*; and another act made in the ſixteenth year of the reign of his ſaid late Majeſty, intituled, *An act for collecting the duty ariſing by hearth-money, by the officers to be appointed by his Majeſty*; and all and every the articles, clauſes and things in the ſaid ſeveral acts contained, ſhall be, and are hereby wholly repealed and annulled, and utterly made void, and are hereby enacted and declared to be null and void to all intents and purpoſes whatſoever.

The acts eſtabliſhing chimney-money repealed.

13 & 14 Car. 2. c. 10.

15 Car. 2. c. 13.

16 Car. 2. c. 3.

IV. Provided always, and be it declared and enacted, That nothing in this act contained, ſhall be taken or conſtrued to hinder or prejudice the collecting, levying, anſwering or paying the ſaid revenue ariſing by hearth-money, which ſhall grow due on the five and twentieth day of *March* in the year of our Lord one thouſand ſix hundred eighty nine, and all arrears of the ſaid duty which now are due and payable by the ſaid acts; but that all and every the powers, clauſes, articles and matters in the ſaid former acts, ſhall continue and remain in force for the collecting, levying and recovering of the ſaid duty of hearth-money ſo growing due on the ſaid five and twentieth day of *March* one thouſand ſix hundred eighty nine, and all the arrears of the ſaid duty already due, as by the ſaid acts they might have been collected

Hearth money due next March excepted.

lected levied and recovered, if this act had not been made, and no otherwiſe.

CAP. XI.

An act for the explaining and making effectual a ſtatute made in the firſt year of King James the Second, concerning the haven and piers of Great Yarmouth.

1 Jac. 2. c. 16.

The mayor's power given to the bailiffs. All officers may execute the powers thereby given. Money to be paid to perſons appointed by the bailiffs, &c.

CAP. XII.

An act for the encouraging the exportation of corn.

FOraſmuch *as it hath been found by experience, that the exportation of corn and grain into foreign parts, when the price thereof is at a low rate in this kingdom, hath been a great advantage not only to the owners of land, but to the trade of this kingdom in general.*

Perſons exporting corn at ſuch a rate ſhall have a reward.

Rates of corn.

II. Be it therefore enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and of the commons, now aſſembled in parliament, and by the authority of the ſame, That when malt or barley, *Wincheſter* meaſure, is or ſhall be at four and twenty ſhillings *per* quarter, or under; rye at two and thirty ſhillings *per* quarter, or under; and wheat at eight and forty ſhillings a quarter, or under, in any port or ports of this kingdom or dominion of *Wales*; every merchant or other perſon, who ſhall put on ſhip-board in *Engliſh* ſhipping, the maſter and two thirds of his mariners at leaſt being their Majeſties ſubjects, any ſorts of the corn aforeſaid, from any ſuch ports where the rates ſhall not then be higher than as aforeſaid, with intent to export the ſaid corn to parts beyond the ſeas: Every ſuch merchant or other perſon ſhall bring a certificate in writing under his or their hands, containing the quantity and quality of corn ſo ſhipped, to the farmers, commiſſioners, collectors, or other perſons appointed, or to be appointed, for the time being, to collect the duties and rates ariſing by cuſtoms within any ſuch port, and upon proof made of any ſuch certificate by one or more credible perſon or perſons upon their oaths, which oaths the ſaid commiſſioners or other perſons are hereby authorized and required to adminiſter, and upon bond given by every ſuch merchant, or other perſon, in the ſum of two hundred pounds at the leaſt for every hundred tons of corn ſo ſhipped, and ſo proportionably, that the ſaid corn (danger of the ſeas excepted) ſhall be exported into parts beyond the ſeas, and not be again landed in the kingdom of *England*, dominion of *Wales*, the iſlands of *Guernſey* and *Jerſey*, or town of *Berwick* upon *Tweed*: Every ſuch merchant ſo ſhipping off any of the aforeſaid corn, and giving certificate and bond, as aforeſaid, ſhall have and receive from ſuch farmers, commiſſioners, collectors, or other perſons in any port reſpectively, where the ſame corn ſhall be ſo ſhipped, for every quarter of barley or malt, ground or unground, two ſhillings and ſix pence; for every quarter of rye, ground or unground, three ſhillings and ſix pence; for every quarter

Exporter gives certificate of quantity, and bond to export.

See farther proviſions relating hereto, 2 Geo. 2. c. 18.

Reward paid to the exporter by the collectors.

See farther proviſions as to malt, by 5 Ann. c. 29. ſ. 15. &

quarter of wheat, ground or unground, five ſhillings: Which ſum or ſums every ſuch commiſſioner, farmer, or other perſon, are hereby authorized and required, upon demand by ſuch exporter, to make preſent payment of accordingly, without taking or requiring any thing for cuſtom, or any fee or reward for corn ſo laden to be exported, or for ſo much grain as ſhall be exported, in any ſhip wherein any other goods ſhall be ſhipped; any law, ſtatute, or uſage in any wiſe to the contrary notwithſtanding: And upon certificate returned under the common ſeal of the chief magiſtrate in any place or places beyond the ſeas, or under the hands and ſeals of two known *Engliſh* merchants upon the place, that ſuch corn was there landed, or upon proof by credible perſons, that ſuch corn was taken by enemies, or periſhed in the ſeas, the examination and proof thereof being left to the judgment of ſuch commiſſioners, farmers, collectors, or other perſons; which proof being made, or certificate delivered to ſuch perſon or perſons reſpectively, as took bond, as aforeſaid, the ſaid bond ſhall be delivered up to ſuch importer or his order, to be cancelled, without any fee for the ſame: And the monies by any ſuch commiſſioners, farmers, collectors, or other perſon, ſo paid in obedience to this act, ſhall be accepted of in his or their accounts, as ſo much paid to their Majeſties, and he and they is and ſhall be diſcharged therefore accordingly.

12 Annæ, ſtat. 1. c. 2. ſ. 29.

Exporters bond how diſcharged.

Further provided for by 12 & 13 W. 3. c. 10.

Collectors allowed the money in their accounts.

CAP. XIII.

An act for raiſing money by a poll, and otherwiſe, towards the reducing of Ireland. EXP.

CAP. XIV.

An act for preventing doubts and queſtions concerning the collecting the publick revenue. EXP.

CAP. XV.

An act for the better ſecuring the government by diſarming papiſts and reputed papiſts.

FOR the better ſecuring of the government againſt papiſts and reputed papiſts:

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That it ſhall and may be lawful for any two or more juſtices of the peace, who ſhall know or ſuſpect any perſon to be a papiſt, or ſhall be informed that any perſon is, or is ſuſpected to be a papiſt, to tender, and they are hereby authorized and required forthwith to tender to ſuch perſon ſo known or ſuſpected to be a papiſt, the declaration ſet down and expreſſed in an act of parliament made in the thirtieth year of the reign of the late King *Charles* the Second, intituled, *An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament*, to be by him made, repeated, and ſubſcribed: And if ſuch perſon ſo required ſhall refuſe to make, repeat, and ſubſcribe the ſaid declaration, or ſhall not make, repeat, and ſubſcribe the

Two juſtices of peace may tender declaration of 30 Car. 2. to papiſts, &c. *For Scotland, ſee* 1 Geo. 1. ſtat. 2. c. 20. ſ. 16.

30 Car. 2. ſtat. 2. c. 1.

Penalty upon refuſers.

the ſaid declaration, or ſhall refuſe or forbear to appear before the ſaid juſtices, for the making, repeating, and ſubſcribing the ſaid declaration, upon notice to him given or left at his uſual place of abode, by any perſon authorized in that behalf, by warrant under the hands and ſeals of the ſaid two juſtices, ſuch perſon from thenceforth ſhall be taken to be, and is hereby declared to be, liable and ſubject to all and every the penalties, forfeitures, and diſabilities hereafter in this act mentioned.

Juſtices of peace ſhall certify the ſubſcribers and refuſers to the ſeſſions.

III. And be it hereby further enacted, That the ſaid juſtices of peace ſhall certify the name, ſurname, and uſual place of abode of every perſon, who being required, ſhall refuſe or neglect to make, repeat, and ſubſcribe the ſaid declaration, or to appear before them for the making, repeating, and ſubſcribing the ſaid declaration, as alſo of every perſon, who ſhall make, repeat, and ſubſcribe the ſaid declaration, at the next general quarter ſeſſions to be holden for the ſhire, riding, diviſion, or liberty, for which they ſhall be juſtices of the peace, to be there recorded by the clerk of the peace, or town clerk, and kept amongſt the records of the ſaid ſeſſions.

Refuſer ſhall keep no arms.

IV. And for the better ſecuring their Majeſties perſons and government; be it further enacted and declared, That no papiſt or reputed papiſt, ſo refuſing or making default, as aforeſaid, ſhall or may have or keep in his houſe, or elſewhere, or in the poſſeſſion of any other perſon to his uſe, or at his diſpoſition, any arms, weapons, gunpowder, or ammunition (other than ſuch neceſſary weapons, as ſhall be allowed to him by order of the juſtices of the peace, at their general quarter ſeſſions, for the defence of his houſe or perſon) and that any two or more juſtices of the peace, from time to time, by warrant under their hands and ſeals, may authorize and impower any perſon or perſons in the day-time, with the aſſiſtance of the conſtable or his deputy, or the tythingman, or headborough, where the ſearch ſhall be (who are hereby required to be aiding and aſſiſting herein) to ſearch for all arms, weapons, gunpowder, or ammunition, which ſhall be in the houſe, cuſtody, or poſſeſſion of any ſuch papiſt or reputed papiſt, and ſeize the ſame for the uſe of their Majeſties, and their ſucceſſors; which ſaid juſtices of the peace ſhall from time to time, at the next general quarter ſeſſions to be held for the county, riding, diviſion, or liberty, where ſuch ſeizure ſhall be made, deliver the ſaid arms, weapons, gunpowder, and ammunition, in open court, for the uſe aforeſaid.

Two juſtices of peace may ſeize arms.

Penalty upon refuſer for not diſcovering or hindring the ſearch for his arms.

V. And be it further enacted, That every papiſt, or reputed papiſt, who ſhall not, within the ſpace of ten days after ſuch refuſal or making default as aforeſaid, diſcover and deliver, or cauſe to be delivered, to ſome of their Majeſties juſtices of the peace, all arms, weapons, gunpowder, or ammunition whatſoever, which he ſhall have in his houſe or elſewhere, or which ſhall be in the poſſeſſion of any perſon to his uſe, or at his diſpoſition, or ſhall hinder or diſturb any perſon or perſons, authorized by warrant under the hands and ſeals of any two juſtices of the peace, to ſearch for and ſeize the ſame, that every ſuch perſon ſo offending,

ing, contrary to the ſtatute in this behalf made, ſhall be committed to the common gaol of the county or place where he ſhall commit ſuch offence, by warrant under the hands and ſeals of any two juſtices of the peace, there to remain, without bail or mainprize, for the ſpace of three months, and ſhall alſo forfeit and loſe the ſaid arms, and pay treble the value of them to the uſe of their Majeſties, and their ſucceſſors, to be appraiſed by the juſtices of the peace, at the next general quarter ſeſſions to be held for the ſaid county, riding, or diviſion, to their Majeſties and their ſucceſſors.

Penalty upon concealers of arms.

VI. And be it further enacted, That every perſon who ſhall conceal, or be privy, or aiding, or aſſiſting to the concealing, or who knowing thereof, ſhall not diſcover or declare to ſome of their Majeſties juſtices of the peace, the arms, weapons, gunpowder, or ammunition of any perſon ſo refuſing, or making default, as aforeſaid, or ſhall hinder or diſturb any perſon or perſons, authorized as aforeſaid, in ſearching for, taking, and ſeizing the ſame, ſhall be committed to the common gaol of the county or place where he ſhall commit ſuch offence, by warrant under the hands and ſeals of any two juſtices of the peace, there to remain without bail or mainprize for the ſpace of three months; and ſhall alſo forfeit and loſe treble the value of the ſaid arms to their Majeſties and their ſucceſſors.

Reward to diſcoverer of refuſers arms.

VII. And be it further enacted, That if any perſon or perſons ſhall diſcover any concealed arms, weapons, ammunition, or gunpowder, belonging to any refuſing or making default as aforeſaid, ſo as the ſame may be ſeized as aforeſaid, for the uſe of their Majeſties and their ſucceſſors, the juſtices of the peace, upon delivery of the ſame at the general quarter ſeſſions as aforeſaid, ſhall have power, and they are hereby required, as a reward for ſuch a diſcovery, by order of ſeſſions, to allow to him or them a ſum of money, amounting to the full value of the arms, weapons, ammunition, or gunpowder ſo diſcovered; the ſaid ſum to be aſſeſſed by the judgment of the ſaid juſtices at their ſaid ſeſſions, and to be levied by diſtreſs and ſale of the goods of the perſon offending againſt this act, rendring the overplus which ſhall ariſe by ſuch ſale, above the ſaid ſum ſo allowed, and above the neceſſary charges of taking ſuch diſtreſs, to the owner.

Refuſers ſubſcribing the declaration, penalty diſcharged.

VIII. Provided always, That if any perſon, who ſhall have refuſed or made default as aforeſaid, ſhall deſire to ſubmit and conform, and for that purpoſe ſhall preſent himſelf before the juſtices of peace, at the general quarter ſeſſions to be holden for the county, riding, diviſion, or liberty, where his refuſal, or making default, as aforeſaid, ſhall be certified as aforeſaid, and ſhall there in open court make, repeat and ſubſcribe the ſaid declaration contained in the ſaid act, made in the ſaid thirtieth year of the reign of the ſaid late King *Charles* the Second, and take the ſeveral oaths contained in an act made in this preſent parliament, intituled, *An act for removing and preventing all queſtions and diſputes concerning the aſſembling and ſitting of this preſent parliament*; he ſhall from thenceforth be diſcharged of and from all diſabilities and forfeitures, which he might or ſhould be liable

Supra, c. 1.

to for the future, by reaſon of his refuſal or default as aforeſaid.

Papiſts horſes above 5l. value forfeited.

IX. And be it further enacted, That no papiſt, or reputed papiſt, ſo refuſing or making default as aforeſaid, at any time after the fifteenth day of *May*, in the year of our Lord one thouſand ſix hundred eighty nine, ſhall or may have or keep, in his own poſſeſſion, or in the poſſeſſion of any other perſon to his uſe, or at his diſpoſition, any horſe or horſes, which ſhall be above the value of five pounds, to be ſold; and that any two or more juſtices of the peace, from time to time, by warrant under their hands and ſeals, may and ſhall authorize any perſon or perſons, with the aſſiſtance of the conſtable or his deputy, or the tythingman or headborough, when the ſearch ſhall be (who are hereby required to be aiding and aſſiſting herein) to ſearch for and ſeize, for the uſe of their Majeſties and their ſucceſſors, all ſuch horſes; which horſes are hereby declared to be forfeited to their Majeſties and their ſucceſſors.

Penalty upon concealer of papiſts horſes.

X. And be it further enacted, That if any perſon ſhall conceal, or be aiding or aſſiſting in the concealing any ſuch horſe or horſes belonging to any papiſt, or reputed papiſt ſo refuſing or making default as aforeſaid, after the ſaid fifteenth day of *May*, ſuch perſon ſhall be committed to priſon by ſuch warrant as aforeſaid, there to remain without bail or mainprize by the ſpace of three months, and ſhall alſo forfeit and loſe to their Majeſties and their ſucceſſors treble the value of ſuch horſe or horſes; which value is to be ſettled as aforeſaid.

CAP. XVI.

An act that the ſimoniacal promotion of one perſon may not prejudice another.

WHEREAS *it hath often happened, that perſons ſimoniack or ſimoniacally promoted to benefices or eccleſiaſtical livings, have enjoyed the benefit of ſuch livings many years, and ſometimes all their life-time, by reaſon of the ſecret carriage of ſuch ſimoniacal dealing; and after the death of ſuch ſimoniack perſon, another perſon innocent of ſuch crime, and worthy of ſuch preferment, being preſented or promoted by another patron innocent alſo of that ſimoniacal contract, have been troubled and removed upon pretence of lapſe (or otherwiſe) to the prejudice of the innocent patron in reverſion, and of his clerk, whereby the guilty go away with profit of his crime, and the innocent ſucceeding patron and his clerk are puniſhed, contrary to all reaſon and good conſcience:*

Simoniacal contract where it ſhall not prejudice.

II. For prevention whereof, be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That after the death of the perſon ſo ſimoniacally promoted, the offence or contract of ſimony ſhall, neither by way of title in pleading, or in evidence to a jury, or otherwiſe, hereafter be alledged or pleaded, to the prejudice of any other patron innocent of ſimony, or of his clerk by him preſented or promoted, upon pretence of lapſe to the crown, metropolitan, or otherwiſe, unleſs the perſon ſimoniack or ſimoniacally preſented or his patron,

tron, was convicted of such offence at the common law, or some ecclesiastical court, in the life-time of the person simoniack or simoniacally promoted or presented; any law or statute to the contrary notwithstanding.

III. And be it also provided, enacted, and declared by the authority aforesaid, That no lease or leases, really and *bona fide* made, or hereafter to be made, by any such person as aforesaid simoniack or simoniacally promoted to any deanery, prebend, or parsonage, or other ecclesiastical benefice or dignity, for good and valuable consideration, to any tenant or person not being privy unto, or having notice of such simony, shall be impeached or avoided for or by reason of such simony, but shall be good and effectual in law, the said simony notwithstanding. Lease made *bona fide* by simonist good.

CAP. XVII.

An act for rectifying a mistake in a certain act of this present parliament, For the amoving papists from the cities of *London* and *Westminster*.

WHEREAS *in an act of this present parliament, intituled,* An act for the amoving papists, and reputed papists from the cities of *London* and *Westminster*, and ten miles distance from the same, *the county of* Sussex *is by mistake in the said act inserted for the county of* Essex: *Supra*, c. 9.

II. Be it enacted by the King and Queen's most excellent majesties, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the powers and authorities by the said recited act given to the justices of the peace of the county of *Sussex*, be and are hereby declared and enacted to extend to the county of *Essex*, and the justices of peace of the said county of *Essex*, and limits thereof. Sussex changed into Essex.

CAP. XVIII.

An act for exempting their Majesties protestant subjects, dissenting from the church of England, *from the penalties of certain laws.*

FORASMUCH *as some ease to scrupulous consciences in the exercise of religion may be an effectual means to unite their Majesties protestant subjects in interest and affection:*

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled and by the authority of the same, That neither the statute made in the three and twentieth year of the reign of the late Queen *Elizabeth*, intituled, *An act to retain the Queen's majesty's subjects in their due obedience*; nor the statute made in the twenty ninth year of the said Queen, intituled, *An act for the more speedy and due execution of certain branches of the statute made in the three and twentieth year of the Queen's majesty's reign, viz.* the aforesaid act; nor that branch or clause of a statute made in the first year of the reign of the said Queen, intituled, *An act for the uniformity of common prayer and service in the church,* The several laws not to extend to dissenters. 23 Eliz. c. 1. 29 Eliz. c. 6. 1 Eliz. c. 2. s. 14.

church, and adminiſtration of the ſacraments; whereby all perſons, having no lawful or reaſonable excuſe to be abſent, are required to reſort to their pariſh church or chapel, or ſome uſual place where the common prayer ſhall be uſed, upon pain of puniſhment by the cenſures of the church, and alſo upon pain that every perſon ſo offending ſhall forfeit for every ſuch offence twelve pence; nor the ſtatute made in the third year of the reign of the late King *James* the Firſt, intituled, *An act for the better diſcovering and repreſſing popiſh recuſants*; nor that other ſtatute made in the ſame year, intituled, *An act to prevent and avoid dangers which may grow by popiſh recuſants*; nor any other law or ſtatute of this realm made againſt papiſts or popiſh recuſants, except the ſtatute made in the five and twentieth year of King *Charles* the Second, intituled, *An act for preventing dangers which may happen from popiſh recuſants*; and except alſo the ſtatute made in the thirtieth year of the ſaid King *Charles* the Second, intituled, *An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament*; ſhall be conſtrued to extend to any perſon or perſons diſſenting from the church of *England*, that ſhall take the oaths mentioned in a ſtatute made this preſent parliament, intituled, *An act for removing and preventing all queſtions and diſputes concerning the aſſembling and ſitting of this preſent parliament*; and ſhall make and ſubſcribe the declaration mentioned in a ſtatute made in the thirtieth year of the reign of King *Charles* the Second, intituled, *An act to prevent papiſts from ſitting in either houſe of parliament*; which oaths and declaration the juſtices of peace at the general ſeſſions of the peace, to be held for the county or place where ſuch perſon ſhall live, are hereby required to tender and adminiſter to ſuch perſons as ſhall offer themſelves to take, make, and ſubſcribe the ſame, and thereof to keep a regiſter: and likewiſe none of the perſons aforeſaid ſhall give or pay, as any fee or reward, to any officer or officers belonging to the court aforeſaid, above the ſum of ſix pence, nor that more than once, for his or their entry of his taking the ſaid oaths, and making and ſubſcribing the ſaid declaration; nor above the further ſum of ſix pence for any certificate of the ſame, to be made out and ſigned by the officer or officers of the ſaid court.

5 Jac. 1. c. 4.

5 Jac. 1. c. 5.

Exception.

25 Car. 2. c. 2.

30 Car. 2. ſtat. 2. c. 1.

Supra, c. 1.

30 Car. 2. ſtat. 2. c. 1.

Taking declaration to be regiſtred.

Fee for regiſter and certificate.

III. And be it further enacted be the authority aforeſaid, That all and every perſon and perſons, already convicted or proſecuted in order to conviction of recuſancy, by indictment, information, action of debt, or otherwiſe, grounded upon the aforeſaid ſtatutes, or any of them, that ſhall take the ſaid oaths mentioned in the ſaid ſtatute made this preſent parliament, and make and ſubſcribe the declaration aforeſaid, in the court of exchequer, or aſſizes, or general or quarter ſeſſions to be held for the county where ſuch perſon lives, and to be thence reſpectively certified into the exchequer, ſhall be thenceforth exempted and diſcharged from all the penalties, ſeizures, forfeitures, judgments, and executions, incurred by force of any of the aforeſaid ſtatutes, without any compoſition, fee, or further charge whatſoever.

Perſons convicted, &c. taking the oaths, &c. ſhall be diſcharged.

IV. And

IV. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons that ſhall, as aforeſaid, take the ſaid oaths, and make and ſubſcribe the declaration aforeſaid, ſhall not be liable to any pains, penalties, or forfeitures, mentioned in an act made in the five and thirtieth year of the reign of the late Queen *Elizabeth*, intituled, *An act to retain the Queen's majeſty's ſubjects in their due obedience*; nor in an act made in the two and twentieth year of the reign of the late King *Charles* the Second, intituled, *An act to prevent and ſuppreſs ſeditious conventicles*; nor ſhall any of the ſaid perſons be proſecuted in any eccleſiaſtical court, for or by reaſon of their non-conforming to the church of *England*. 35 El. c. 1. 22 Car. 2. c. 1. Eccleſiaſtical court.

V. Provided always, and be it enacted by the authority aforeſaid, That if any aſſembly of perſons diſſenting from the church of *England* ſhall be had in any place for religious worſhip with the doors locked, barred, or bolted, during any time of ſuch meeting together, all and every perſon or perſons, that ſhall come to and be at ſuch meeting, ſhall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforeſaid laws recited in this act, for ſuch their meeting, notwithſtanding his taking the oaths and his making and ſubſcribing the declaration aforeſaid. Private meetings excluded.

VI. Provided always, That nothing herein contained ſhall be conſtrued to exempt any of the perſons aforeſaid from paying of tythes or other parochial duties, or any other duties to the church or miniſter, nor from any proſecution in any eccleſiaſtical court or elſewhere, for the ſame. Tythes ſaved.

VII. And be it further enacted by the authority aforeſaid, That if any perſon diſſenting from the church of *England*, as aforeſaid, ſhall hereafter be choſen or otherwiſe appointed to bear the office of high-conſtable, or petit-conſtable, churchwarden or overſeer of the poor, or any other parochial or ward office, and ſuch perſon ſhall ſcruple to take upon him any of the ſaid offices in regard of the oaths, or any other matter or thing required by the law to be taken or done in reſpect of ſuch office, every ſuch perſon ſhall and may execute ſuch office or employment by a ſufficient deputy, by him to be provided, that ſhall comply with the laws on this behalf. Provided always, the ſaid deputy be allowed and approved by ſuch perſon or perſons, in ſuch manner as ſuch officer or officers reſpectively ſhould by law have been allowed and approved. Officers ſcrupling oaths, &c. allowed to act by deputy.

VIII. And be it further enacted by the authority aforeſaid, That no perſon diſſenting from the church of *England* in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of diſſenting proteſtants, that ſhall make and ſubſcribe the declaration aforeſaid, and take the ſaid oaths at the general or quarter ſeſſions of the peace to be held for the county, town, parts, or diviſion where ſuch perſon lives, which court is hereby impowered to adminiſter the ſame, and ſhall alſo declare his approbation of and ſubſcribe the articles of religion mentioned in the ſtatute made in the thirteenth year of the reign of the late Queen Elizabeth, Perſons in orders how exempted from, 17 Car. 2. c. 2. 13&14 Car. 2. c. 4.

13 Eliz. c. 12. *Elizabeth*, except the thirty-fourth, thirty-fifth, and thirty-ſixth, and theſe words of the twentieth article, *viz.* [*the church hath power to decree rites or ceremonies, and authority in controverſies of faith*, and *yet*] ſhall be liable to any of the pains or penalties mentioned in an act made in the ſeventeenth year of the reign 17 Car. 2. c. 2. of King *Charles* the Second, intituled, *An act for reſtraining non-conformiſts from inhabiting in corporations*; nor the penalties mentioned in the aforeſaid act made in the two and twentieth year of his ſaid late Majeſty's reign, for or by reaſon of ſuch perſons preaching at any meeting for the exerciſe of religion; nor to the penalty of one hundred pounds mentioned in an act made in the thirteenth and fourteenth of King *Charles* the Second, intituled, 13&14 Car. 2. c. 4. *An act for the uniformity of publick prayers, and adminiſtration of ſacraments, and other rites and ceremonies: and for eſtabliſhing the form of making, ordaining, and conſecrating of biſhops, prieſts, and deacons in the church of* England, for officiating in any congregation for the exerciſe of religion permitted and allowed by this act.

Taking the oaths, &c. to be regiſtred. IX. Provided always, That the making and ſubſcribing the ſaid declaration, and the taking the ſaid oaths, and making the declaration of approbation and ſubſcription to the ſaid articles, in manner as aforeſaid, by every reſpective perſon or perſons herein before-mentioned, at ſuch general or quarter ſeſſions of the peace as aforeſaid, ſhall be then and there entred of record in the ſaid court, for which ſix-pence ſhall be paid to the clerk of the peace, and no more: provided that ſuch perſon ſhall not at any time preach in any place, but with the doors not locked, barred, or bolted, as aforeſaid.

Meeting-door to be unlocked.

Anabaptiſts. X. *And whereas ſome diſſenting proteſtants ſcruple the baptizing of infants*; be it enacted by the authority aforeſaid, That every perſon in pretended holy orders, or pretending to holy orders, or preacher, or teacher, that ſhall ſubſcribe the aforeſaid articles of religion, except before excepted, and alſo except part of the ſeven and twentieth article touching infant baptiſm, and ſhall take the ſaid oaths, and make and ſubſcribe the declaration aforeſaid, in manner aforeſaid, every ſuch perſon ſhall enjoy all the privileges, benefits, and advantages, which any other diſſenting miniſter, as aforeſaid, might have or enjoy by virtue of this act.

Teachers exempt from offices. XI. And be it further enacted by the authority aforeſaid, That every teacher or preacher in holy orders, or pretended holy orders, that is a miniſter, preacher, or teacher of a congregation, that ſhall take the oaths herein required, and make and ſubſcribe the declaration aforeſaid, and alſo ſubſcribe ſuch of the aforeſaid articles of the church of *England*, as are required by this act in manner aforeſaid, ſhall be thenceforth exempted from ſerving upon any jury, or from being choſen or appointed to bear the office of churchwarden, overſeer of the poor, or any other parochial or ward office or other office in any hundred of any ſhire, city, town, pariſh, diviſion, or wapentake.

Juſtice of peace may tender the oaths, &c. XII. And be it further enacted by the authority aforeſaid, That every juſtice of the peace may at any time hereafter require any perſon, that goes to any meeting for exerciſe of religion,

ligion, to make and ſubſcribe the declaration aforeſaid, and alſo to take the ſaid oaths or declaration of fidelity herein after mentioned, in caſe ſuch perſon ſcruples the taking of an oath, and upon refuſal thereof, ſuch juſtice of the peace is hereby required to commit ſuch perſon to priſon without bail or mainprize, and to certify the name of ſuch perſon to the next general or quarter-ſeſſions of the peace to be held for that county, city, town, part or diviſion, where ſuch perſon then reſides; and if ſuch perſon ſo committed ſhall upon a ſecond tender at the general or quarter-ſeſſions refuſe to make and ſubſcribe the declaration aforeſaid, ſuch perſon refuſing ſhall be then and there recorded, and he ſhall be taken thenceforth to all intents and purpoſes for a popiſh recuſant convict, and ſuffer accordingly, and incur all the penalties and forfeitures of all the aforeſaid laws. Penalty for refuſing.

XIII. *And whereas there are certain other perſons, diſſenters from the church of* England, *who ſcruple the taking of any oath*; be it enacted by the authority aforeſaid, That every ſuch perſon ſhall make and ſubſcribe the aforeſaid declaration, and alſo this declaration of fidelity following, *viz.* Quakers how exempted. *Altered as to Quakers by* 8 Geo. 1. c. 6.

I A. B. *do ſincerely promiſe and ſolemnly declare before God and the world, that I will be true and faithful to King* William *and Queen* Mary; *and I do ſolemnly profeſs and declare, that I do from my heart abhor, deteſt, and renounce, as impious and heretical, that damnable doctrine and poſition,* That princes excommunicated or deprived by the pope, or any authority of the ſee of *Rome*, may be depoſed or murthered by their ſubjects, or any other whatſoever. *And I do declare, that no foreign prince, perſon, prelate, ſtate, or potentate, hath or ought to have, any power, juriſdiction, ſuperiority, pre-eminence, or authority eccleſiaſtical or ſpiritual within this realm.* Declaration of fidelity.

And ſhall ſubſcribe a profeſſion of their chriſtian belief in theſe words:

I A. B. *profeſs faith in God the father, and in Jeſus Chriſt his eternal ſon, the true God, and in the holy ſpirit, one God bleſſed for evermore, and do acknowledge the holy ſcriptures of the Old and New Teſtament to be given by divine inſpiration.* Profeſſion.

Which declarations and ſubſcription ſhall be made and entred of record at the general quarter-ſeſſions of the peace for the county, city, or place where every ſuch perſon ſhall then reſide. And every ſuch perſon that ſhall make and ſubſcribe the two declarations and profeſſion aforeſaid, being thereunto required, ſhall be exempted from all the pains and penalties of all and every the aforementioned ſtatutes made againſt popiſh recuſants, or proteſtant nonconformiſts, and alſo from the penalties of an act made in the fifth year of the reign of the late Queen *Elizabeth*, intituled, *An act for the aſſurance of the Queen's royal power over all eſtates and ſubjects within her dominions*, for or by reaſon of ſuch perſons not taking or refuſing to take the oath mentioned in the ſaid act; and alſo from the penalties of an act made in the 5 Eliz. c. 1.

13 & 14 Car. 2. c. 1. thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for preventing miſchiefs that may ariſe by certain perſons called* Quakers, *refuſing to take lawful oaths*; and enjoy all other the benefits, privileges, and advantages under the like limitations, proviſoes, and conditions, which any other diſſenters ſhall or ought to enjoy by virtue of this act.

How purged after refuſal of the oaths. XIV. Provided always, and be it enacted by the authority aforeſaid, That in caſe any perſon ſhall refuſe to take the ſaid oaths, when tendred to them, which every juſtice of the peace is hereby impowered to do, ſuch perſon ſhall not be admitted to make and ſubſcribe the two declarations aforeſaid, though required thereunto either before any juſtice of the peace, or at the general or quarter-ſeſſions, before or after any conviction of popiſh recuſancy, as aforeſaid, unleſs ſuch perſon can, within thirty one days after ſuch tender of the declarations to him, produce two ſufficient proteſtant witneſſes, to teſtify upon oath, that they believe him to be a proteſtant diſſenter, or a certificate under the hands of four proteſtants, who are conformable to the church of *England*, or have taken the oaths and ſubſcribed the declaration above mentioned, and ſhall alſo produce a certificate under the hands and ſeals of ſix or more ſufficient men of the congregation to which he belongs, owning him for one of them.

XV. Provided alſo, and be it enacted by the authority aforeſaid, That until ſuch certificate, under the hands of ſix of his congregation, as aforeſaid, be produced, and two proteſtant witneſſes come to atteſt his being a proteſtant diſſenter, or a certificate under the hands of four proteſtants, as aforeſaid, be produced, the juſtice of the peace ſhall and hereby is required to take a recognizance with two ſureties in the penal ſum of fifty pounds, to be levied of his goods and chattels, lands, and tenements, to the uſe of the King's and Queen's majeſties, their heirs and ſucceſſors, for his producing the ſame; and if he cannot give ſuch ſecurity, to commit him to priſon, there to remain until he has produced ſuch certificates, or two witneſſes, as aforeſaid.

Laws for divine ſervice in force. XVI. Provided always, and it is the true intent and meaning of this act, That all the laws made and provided for the frequenting of divine ſervice on the Lord's day commonly called *Sunday*, ſhall be ſtill in force, and executed againſt all perſons that offend againſt the ſaid laws, except ſuch perſons come to ſome congregation or aſſembly of religious worſhip, allowed or permitted by this act.

Papiſts, &c. excepted. XVII. Provided always, and be it further enacted by the authority aforeſaid, That neither this act, nor any clauſe, article, or thing herein contained, ſhall extend or be conſtrued to extend to give any eaſe, benefit or advantage to any papiſt or popiſh recuſant whatſoever, or any perſon that ſhall deny in his preaching or writing the doctrine of the bleſſed Trinity, as it is declared in the aforeſaid articles of religion.

Diſturbers of religious worſhip how XVIII. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons, at any time or times after the

the tenth day of *June*, do and ſhall willingly and of purpoſe, maliciouſly or contemptuouſly come into any cathedral or pariſh church, chapel, or other congregation permitted by this act, and diſquiet or diſturb the ſame, or miſuſe any preacher or teacher, ſuch perſon or perſons, upon proof thereof before any juſtice of peace, by two or more ſufficient witneſſes, ſhall find two ſureties to be bound by recognizance in the penal ſum of fifty pounds, and in default of ſuch ſureties ſhall be committed to priſon, there to remain till the next general or quarter ſeſſions; and upon conviction of the ſaid offence at the ſaid general or quarter ſeſſions, ſhall ſuffer the pain and penalty of twenty pounds, to the uſe of the King's and Queen's majeſties, their heirs and ſucceſſors. punished. *See* 1 Geo. 1. ſtat.2.c.5. ſ.4.

XIX. Provided always, That no congregation or aſſembly for religious worſhip ſhall be permitted or allowed by this act, until the place of ſuch meeting ſhall be certified to the biſhop of the dioceſe, or to the archdeacon of that archdeaconry, or to the juſtices of the peace at the general or quarter ſeſſions of the peace for the county, city, or place in which ſuch meeting ſhall be held, and regiſtred in the ſaid biſhop's or archdeacon's court reſpectively, or recorded at the ſaid general or quarter ſeſſions; the regiſter or clerk of the peace whereof reſpectively is hereby required to regiſter the ſame, and to give certificate thereof to ſuch perſon as ſhall demand the ſame, for which there ſhall be no greater fee nor reward taken, than the ſum of ſix pence. Place for worſhip to be certified.

CAP. XIX.

An act for impowering their Majeſties to commit, without bail, ſuch perſons as they ſhall find juſt cauſe to ſuſpect are conſpiring againſt the government. EXP.

CAP. XX.

An act for a grant to their Majeſties of an aid of twelve pence in the pound for one year, for the neceſſary defence of their realms. EXP.

WE *your Majeſties moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, having entred into a ſerious conſideration of the extraordinary occaſions which engage your Majeſties in a great and preſent expence for the neceſſary defence of your realms, and being deſirous to raiſe proportionable aids and ſupplies, do humbly preſent your Majeſties with the free gift of the rates and aſſeſſments hereinafter mentioned, and beſeech your Majeſties that it may be enacted*;

II. And be it enacted by the King and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That their Majeſties ſhall have and receive the rates and aſſeſſments hereafter mentioned, of and from every perſon, ſpiritual and temporal, of what eſtate or degree ſoever he or they be; which ſaid rates or aſſeſſments ſhall be taxed, aſſeſſed, levied and paid into their Majeſties receipt of exchequer, according to the tenor of this act, and in manner and form following; (that is to ſay) That all

all and every perſon and perſons, bodies politick and corporate, guilds and fraternities within this kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, having any eſtate in goods, wares, merchandizes, or other chattels or perſonal eſtate whatſoever, either in their own poſſeſſion, or in the poſſeſſion of others in truſt for them, (except, and out of the premiſſes deducted, ſuch ſums of money as he or they do *bona fide* owe, and alſo the ſtock upon lands, and ſuch goods as are uſed for houſhold-ſtuff) ſhall yield and pay unto their Majeſties twelve pence in the pound, according to the true yearly profit thereof for one year, to be aſſeſſed, levied and collected in manner hereinafter mentioned; (that is to ſay) for every hundred pounds worth of ſuch goods, wares, merchandizes, or other chattels, or perſonal eſtate, the ſum of ſix ſhillings; and ſo after that rate for every greater or leſſer quantity.

III. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, commiſſioner and commiſſioners, having, uſing or exerciſing any office, or imployment of profit (ſuch military officers who are or ſhall be in muſter, or pay in their Majeſties army or navy only excepted) ſhall yield and pay unto their Majeſties the ſum of twelve pence for every twenty ſhillings, which he or they do receive in one year by virtue of any fees, profits accruing to him or them, by reaſon or occaſion of their ſeveral offices or employments, to be aſſeſſed, impoſed, levied and collected, in ſuch manner as hereafter is mentioned. And to the end a further aid and ſupply for their Majeſties occaſions may be raiſed by a charge upon all lands, tenements and hereditaments with as much equality and indifferency, as is poſſible by a pound rate of twelve pence for every twenty ſhillings of the true yearly value for one year only and no longer;

IV. Be it further enacted by the authority aforeſaid, That all and every the manors, meſſuages, lands and tenements, as well freehold as copyhold, as alſo all quarries, all and every the mines of coal, tin or lead, and all iron works and ſalt works, all allom mines or works, all parks, chaſes, warrens, woods, underwoods and copices, fiſhings, tythes, tolls, and all other yearly profits and hereditaments of what nature or kind ſoever they be, ſituate, lying and being, happening and ariſing within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, or within any the counties, cities, boroughs, towns, diviſions, ridings, hundreds, lathes, wapentakes, pariſhes and places thereof as well within ancient demeſne and other liberties and privileg'd places as without, ſhall be, and are hereby charged for one year only and no longer, with the ſum of twelve pence for every twenty ſhillings of the true yearly value. And all and every perſon and perſons, bodies politick and corporate, guilds, myſteries, fraternities and brotherhoods, whether corporate or not corporate, having or holding in his, her or their actual poſſeſſion, any manors, meſſuages, lands, tenements, or other the hereditaments or premiſſes, ſhall yield and

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pay unto their Majeſties the ſum of twelve pence for every twenty ſhillings by the year, which the ſaid manors, meſſuages, lands, tenements, hereditaments and other the premiſſes are now worth to be leaſed, if the ſame were truly and *bona fide* leaſed or demiſed at a rack rent, and according to the full true yearly value thereof, without any reſpect had to the preſent rents reſerved for the ſame, if ſuch rents have been reſerved upon ſuch leaſes or eſtates made for which any fine or income hath been paid or ſecured, and without any reſpect had to any former rates or taxes thereupon impoſed: which ſaid ſum of twelve pence for every twenty ſhillings by the year of the ſaid true yearly value of the premiſſes ſhall be aſſeſſed, levied and collected in manner hereafter mentioned, and ſhall be paid into the receipt of their Majeſties exchequer by two equal payments; the firſt payment thereof to begin and to be made upon the firſt day of *December*, which ſhall be in the year of our Lord one thouſand ſix hundred eighty and nine.

V. And whereas many of the manors, meſſuages, lands, tenements, tythes, hereditaments or premiſſes intended by this act to be charged with the pound rate, as aforeſaid, ſtand incumbred with, or are ſubject and liable to the payment of ſeveral rent-charges or annuities iſſuing out of the ſame, or to the payment of divers fee-farm rents, rents-ſervice, or other rents thereupon reſerved, by reaſon whereof the true owners and proprietors of ſuch manors, meſſuages, lands, tenements, hereditaments and premiſſes, do not in truth receive to their own uſe the full yearly value of the ſame, for which nevertheleſs they are by this act charged to pay the full pound rate of twelve pence for every twenty ſhillings of the true yearly value.

VI. It is therefore declared and enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the landlords, owners and proprietors of ſuch manors, meſſuages, lands, tenements, hereditaments and premiſſes as are charged with the pound rate as aforeſaid, to abate and deduct, and to retain and keep in his or their hands twelve pence in the pound out of every fee-farm rent, and other annual rent or payment charged upon, or iſſuing out of the premiſſes, or any part thereof, or thereupon reſerved; and all and every perſon or perſons, bodies politick or corporate, being indebted in any ſum or ſums of money upon contract for intereſt, ſhall, for the better enabling them to pay and bear the rates and charges herein before reſpectively impoſed upon them, be allowed by virtue of this act, after the rate of twelve pence in the pound out of all ſuch intereſt money which ſhall be paid and grow due for any time between the thirtieth day of *November* one thouſand ſix hundred eighty nine, and the thirtieth day of *November* one thouſand ſix hundred ninety, by his or their reſpective creditor or creditors, out of the debts ſo by them owing, as aforeſaid, and may, and are hereby enabled to deduct, retain and diſcount the ſame, any contract or agreement, mortgage, bond, condition, proviſion, or other aſſurance to the contrary in any wiſe notwithſtanding; and all

all and every perſon and perſons who are or ſhall be any way intituled to ſuch rents and annual payments, are hereby required to allow ſuch deductions and payments upon the receipt of the reſidue of ſuch moneys as ſhall be due and payable to them, as aforeſaid; and all tenants are hereby ſaved harmleſs from any further payment of the twelve pence in the pound ſo deducted, as fully and amply as if the ſame had been paid into his Majeſties exchequer, or to ſuch creditor or other perſon to whom the ſame would otherwiſe have become due and payable.

VII. And be it further enacted by the authority aforeſaid, That for the better aſſeſſing, ordering, levying and collecting of the ſeveral ſums of money ſo as aforeſaid limited and appointed to be paid, and for the more effectual putting of this preſent act in execution, it ſhall and may be lawful for their Majeſties to iſſue out, or cauſe to be iſſued out under the great ſeal of *England*, ſuch and ſo many commiſſions as their Majeſties ſhall think fit, and therein and thereby to nominate, conſtitute and appoint ſuch and ſo many perſons being reſident, and having real eſtates to the value of one hundred pounds a year, in the reſpective counties or ſhires for which they ſhall be ſo nominated to be commiſſioners for putting this preſent act in execution, and alſo ſo many of them to be of a *quorum* as their Majeſties ſhall think convenient for the execution of this act; which ſaid commiſſioners ſo as aforeſaid to be nominated and appointed, ſhall in the reſpective counties, cities, boroughs, diviſions, towns and places for which they ſhall be appointed commiſſioners reſpectively, meet together at the moſt uſual or common place of meeting within each of the ſaid counties, cities, boroughs, diviſions, towns and places reſpectively, at or before the third day of *September*, which ſhall be in the year of our Lord one thouſand ſix hundred eighty nine, or ſuch other day as their Majeſties by their commiſſion ſhall appoint; and the ſaid commiſſioners, or ſo many of them as ſhall be preſent at the firſt general meeting, or the major part of them, may by their conſents and agreements divide as well themſelves as other the commiſſioners not then preſent, for the execution of this act, in hundreds, lathes, wapentakes, rapes, wards, towns and other places within their limits, privileged or not privileged, in ſuch manner and form as to them ſhall ſeem expedient; and ſhall direct their ſeveral or joynt precept or precepts to ſuch inhabitants, high conſtables, petty conſtables, bailiffs, and other like officers and miniſters, and ſuch number of them as they in their diſcretions ſhall think moſt convenient, requiring them to appear before the ſaid commiſſioners at ſuch place and time, not exceeding ten days, as they ſhall appoint; and at ſuch their appearances the ſaid commiſſioners ſhall openly read or cauſe to be read unto them, the rates and aſſeſſments in this act mentioned, and alſo openly declare the effect of their charge to them, and how, and in what manner they ought and ſhould make their certificates, and how they ought to proceed in the execution of this act, according to the rates aforeſaid; and if any high conſtables, petty conſtables, bailiffs,

bailiffs, inhabitants, or other officers or miniſters to whom any precept ſhall be directed, ſhall abſent themſelves, without lawful excuſe to be made out by the oaths of two credible witneſſes, or if any perſon appearing ſhall refuſe to ſerve, then every ſuch perſon ſo making default, or refuſing to ſerve, ſhall for every time of ſuch default or refuſal, forfeit and loſe unto their Majeſties ſuch ſum as the commiſſioners, or the major part of them being preſent, ſhall think fit, not exceeding the ſum of forty ſhillings: and at or after ſuch general meeting had, and charge given as aforeſaid, the ſaid commiſſioners ſhall take care that warrants be iſſued forth, and directed to two at the leaſt of the moſt able and ſufficient inhabitants of each pariſh, townſhip or place within their reſpective diviſions, thereby appointing and requiring them to be aſſeſſors of all and every the rates and duties by this act impoſed, and ſhall therein alſo appoint and prefix a certain day and place for the ſaid aſſeſſors to appear before them, and to bring in their certificates in writing, of the names and ſirnames of every perſon dwelling and reſiding within the limits of thoſe places with which they ſhall be charged, and of the ſubſtances and values of every of them in goods, chattels, or other perſonal eſtate, (ſtock upon land, and goods uſed for houſhold-ſtuff excepted) or in offices or imployments of profit: and the ſaid aſſeſſors are therein alſo to be required, and are hereby enjoyned to aſcertain and inform themſelves by all lawful ways and means they can, of the true and full rate and valuation of the true yearly rents and profits of all manors, meſſuages, lands, tenements, as alſo all quarries, mines of coal, tin, or lead, all iron-works and ſalt-works, allom mines or works, parks, chaſes, warrens, woods, underwoods, and copices, fiſhings, tythes, tolls, and other hereditaments, of what nature or kind ſoever, ſituate, lying and being, happening and ariſing within the limits of thoſe places with which they ſhall be charged; and being ſo thereof aſcertained they are to aſſeſs all and every the ſaid manors, meſſuages, lands, tenements and premiſſes before appointed to be charged after the rate of twelve pence for every twenty ſhillings of the true yearly value as the ſame are let for, or are worth to be let at the time of the aſſeſſing thereof as aforeſaid, and to bring with them at the time and place ſo as aforeſaid prefixed for their appearance a certificate in writing of the ſaid aſſeſſment, and ſhall then alſo return the names of two or more able and ſufficient perſons living within the limits and bounds of thoſe pariſhes, townſhips, conſtablewicks, or places where they ſhall be chargeable reſpectively, to be collectors of the moneys to be paid to their Majeſties by this act; for whoſe paying in to the head collectors in manner hereafter mentioned, ſuch moneys as they ſhall be charged withal, the pariſh or place wherein they are ſo imployed ſhall be anſwerable. And if any aſſeſſors ſo as aforeſaid appointed or to be appointed ſhall neglect or refuſe to ſerve, or ſhall make default at the time appointed for his appearance (not having a lawful excuſe to be witneſſed by the oaths of two credible witneſſes, which oath the ſaid commiſſioners,

ſioners, or any two of them have power to adminiſter) every ſuch aſſeſſor ſhall for every ſuch neglect, refuſal or default, forfeit and loſe unto their Majeſties ſuch ſum as the commiſſioners ſhall think fit, not exceeding the ſum of ten pounds: and every aſſeſſor ſo as aforeſaid appointed or to be appointed, ſhall before he take upon him the execution of the ſaid imployment take an oath to be adminiſtred in theſe words following;

YOU ſhall ſwear, well and truly to execute the duty of an aſſeſſor, and to cauſe the rates and duties impoſed by an act, intituled, *An act for a grant to their Majeſties of an aid of twelve pence in the pound for one year, for the neceſſary defence of their realms*, to be duly and impartially aſſeſſed, according to the beſt of your ſkill and knowledge, and therein you ſhall ſpare no perſon for favour or affection, nor any perſon grieve for hatred or ill will;

So help you God.

Which oath any two commiſſioners in the county where the ſaid aſſeſſment is to be made have hereby power, and are required to adminiſter.

VIII. And be it further enacted by the authority aforeſaid, That the rates and aſſeſſments upon all goods, chattels, perſonal eſtate, offices and publick places and imployments charged by this act ſhall be aſcertained, and the certificates thereof returned to the commiſſioners upon or before the twelfth day of *October*, one thouſand ſix hundred eighty nine, unleſs the commiſſioners ſhall think fit to give further time; and alſo the taxations and aſſeſſments of the pound rate of twelve pence in the pound for every twenty ſhillings of the yearly value of all meſſuages, lands, tenements, hereditaments and premiſſes charged by this act, ſhall be made and aſcertained, and the ſeveral and reſpective certificates thereof returned in to the commiſſioners, upon or before the twelfth day of *October* aforeſaid, unleſs the commiſſioners ſhall think fit to give further time; and the ſaid aſſeſſors are hereby required to give one copy of their certificates, or aſſeſſments fairly written and ſubſcribed by them unto the ſaid commiſſioners by whom they were appointed, and the ſaid commiſſioners or any two or more of them are hereby ordered and required to cauſe the ſaid ſeveral and reſpective aſſeſſments to them delivered (if by them approved of) to be fairly written, and to ſign and ſeal ſeveral duplicates or copies of the ſaid aſſeſſments, and one of them ſo ſigned and ſealed, forthwith to deliver or cauſe to be delivered unto the ſubcollectors; and ſhall likewiſe deliver or cauſe to be delivered other copies thereof ſo ſigned and ſealed unto the head collectors and receivers general, according to their ſeveral and reſpective collections and receipts; and moreover the commiſſioners ſhall cauſe a true copy or extract of the whole ſums aſſeſſed and charged within every hundred, lathe, wapentake, pariſh, ward, or place, rated or aſſeſſed

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in purſuance of this act, and of the whole ſums rated or aſſeſſed upon perſonal eſtates, offices or employments, to be certified and tranſmitted into their Majeſties court of exchequer, under the hands and ſeals of any two or more of the commiſſioners, but without naming the perſons in ſuch their certificates; and this the ſaid commiſſioners ſhall cauſe to be done upon or before the twenty fifth day of *November* then next enſuing, or within thirty days after, all appeals to them made being firſt determined; and the King's remembrancer in the exchequer for the time being ſhall, and is hereby required within three months after the duplicates of the laſt payment ſhall be tranſmitted to him, to tranſcribe all the ſchedules and duplicates of the ſums returned to him, from and for every reſpective county, riding, city and town, and every hundred, wapentake, pariſh, diviſion, town and place therein, in a book of parchment, in alphabetical order, and in a fair legible hand-writing; and within three months after the ſame ſhall be ſo by him received, ſhall tranſmit all and every the ſame ſchedules and duplicates to the office of the writer of the talleys, commonly called the auditors of the receipt of the exchequer, who is hereby likewiſe authoriſed and required to enter the ſame in the like alphabetical order, in another book of parchment fairly written, to be provided for that purpoſe.

IX. And be it further enacted by the authority aforeſaid, That the commiſſioners, or any two or more of them, ſhall iſſue out their warrants or eſtreats to the ſubcollectors, under their hands and ſeals, thereby requiring them to levy and collect all and every the aſſeſſments, and all the moneys and rates due thereupon, according to the duplicate thereof by them received, and according to the intent and ſubſequent directions of this preſent act; which ſaid ſubcollectors are hereby required to demand all and every the rates and aſſeſſments herein mentioned, which are laid upon perſons in reſpect of their goods or offices, and to make ſuch demands of the parties themſelves within ſix days after the receipt of ſuch warrant, and to levy and pay in the ſame, upon or before the ſeventh day of *November* in the year of our Lord one thouſand ſix hundred eighty nine, or within twenty days after, at ſuch place as the commiſſioners ſhall appoint, unto their reſpective head collectors, who are hereby required to call upon, and haſten their ſubcollectors to the ſaid payment; and at or upon the fourteenth day of *November* then next enſuing, or within twenty days after, to levy by warrant under the hands and ſeals of any two or more of the ſaid commiſſioners, by diſtreſs upon the ſubcollectors reſpectively, ſuch ſum and ſums of money, as by him or them ought to have been paid, and is, or are not paid by reaſon of his failure in doing his duty according to the directions of this act, ſo as every head collector may make payment unto the receiver general of the ſaid county, city, or place, the full ſums by him to be paid on the thirtieth day of *November* aforeſaid, or within twenty days after: and the receiver general is likewiſe required to call upon and haſten the ſaid head collectors, and to pay what he ſhall ſo receive

receive from the ſaid head collectors, into their Majeſties receipt of exchequer, upon or before the firſt day of *December* aforeſaid, or within thirty days after, to the end that all and every the rates and aſſeſſments, which by this act are impoſed upon any perſon or perſons, in reſpect of his or their goods and chattels, or offices or employments, may be ſpeedily brought into their Majeſties receipt of exchequer, and there paid in upon or before the ſaid firſt day of *December*, or within thirty days after, at one entire payment. And the ſaid ſubcollectors are alſo required and enjoyned to levy one moiety of the pound rate charged upon all meſſuages, lands, tenements, hereditaments and premiſſes, as aforeſaid, within ſix days after the receipt of ſuch warrants, and to pay the ſame unto their reſpective head collectors, on or before the ſeventh day of *November* aforeſaid, or within twenty days after; and the ſaid head collectors are to haſten the ſaid ſubcollectors; and in caſe the ſame ſhall not be collected by reaſon of the neglect or failure of duty in the ſaid ſubcollectors, the ſaid head collectors are to proceed againſt them by diſtreſs in like manner, and by like warrant as aforeſaid. And every head collector is hereby required to make payment of what ſhall be ſo levied or received unto the receiver general of the ſaid county, city or place, upon or before the thirtieth day of *November* aforeſaid, or within twenty days after; and the receiver general is likewiſe required to call upon and haſten the ſaid head collectors, and to pay what he ſhall receive from the ſaid head collectors unto their Majeſties receipt of exchequer, upon or before the firſt day of *December* aforeſaid, or within thirty days after, to the end that the firſt payment of the ſaid pound rate of twelve pence in every twenty ſhillings yearly, may by that time be fully anſwered and paid in to their Majeſties: and the ſubcollectors ſhall alſo levy the other moiety of the ſaid pound rate, charged as aforeſaid, upon or before the ſeventh day of *February* then next enſuing, or within twenty days after, and ſhall alſo pay the ſame unto the ſaid head collectors upon or before the fourteenth day of *February* aforeſaid, or within twenty days after; and the ſaid head collectors ſhall make payment thereof to the receiver general of the ſaid county, city or place, upon or before the twenty eighth day of *February* aforeſaid, or within twenty days after: and the ſaid receiver general is alſo required to make payment of all which he ſhall ſo receive, into their Majeſties receipt of exchequer, upon or before the firſt day of *March* then next enſuing, or within thirty days after, to the end that the ſecond payment of the ſaid pound rate ſo charged as aforeſaid, may by that time be fully anſwered and paid in to their Majeſties; and all commiſſioners, collectors and receivers, are hereby required and enjoyned to apply themſelves with all diligence to the moſt ſpeedy and effectual execution of their ſeveral and reſpective duties, that ſo their Majeſties ſervice herein may not be delayed or hindred through any of their wilful neglect or default.

X. And

X. And it is further enacted and declared by the authority aforeſaid, That the moneys received by the ſubcollectors within the reſpective diviſions or hundreds, ſhall from time to time be duly paid to the head collector, whoſe receipt ſhall be a ſufficient diſcharge unto every ſuch ſubcollector; which ſubcollector for gathering the ſaid particular ſums, ſhall retain in his hands for every twenty ſhillings by him ſo paid, three pence, as a reward for his pains and ſervice; and the head collector ſhall accordingly pay over the ſaid moneys unto the receiver general of each county, city or place reſpectively, in manner aforeſaid; which head collector or collectors ſhall be nominated and appointed by the receivers general of the reſpective counties; which ſaid receivers general ſhall be anſwerable for all ſuch ſums of money as ſhall be by him or them collected or received; and that no ſubcollector ſhall be enforced to travel above the ſpace of ten miles for the payment of the ſaid moneys that ſhall be by him collected or received; and the ſaid receiver general's acquittance ſhall be a ſufficient diſcharge unto every ſuch head collector, who ſhall retain in his hands for every twenty ſhillings ſo by him paid one peny, as a reward for his pains and ſervice; and the receiver general ſhall pay the whole ſums by him received, unto the receipt of their Majeſties exchequer, in ſuch manner, and at or before ſuch days and times as are herein before limited, and ſhall have an allowance of two pence in the pound for all moneys which ſhall be by him paid into the receipt of the exchequer, upon or before the time prefixed in this act. And for the careful writing and tranſcribing the ſaid warrants, eſtreats and duplicates in due time, it is further enacted, That the commiſſioners clerks, who ſhall reſpectively perform the ſame, ſhall by warrant under two or more of the commiſſioners hands, have and receive from the reſpective head collectors, one peny in the pound of all ſuch moneys as he or they ſhall have received by virtue of ſuch warrants and eſtreats, who are hereby appointed and allowed to pay the ſame accordingly; and if any perſon ſhall neglect or refuſe to pay the ſeveral rates and aſſeſſments wherewith he is charged by this act, for or in reſpect of his goods, chattels, perſonal eſtate, offices or employments, and which he ought to pay, if the pound rate, or any payment thereof, ſo as aforeſaid charged upon any manors, meſſuages, lands, tenements, hereditaments and premiſſes ſhall be neglected or refuſed to be paid, then upon demand made by the officer or collector of the place, according to the precept or eſtreat to him delivered by the ſaid commiſſioners, it ſhall and may be lawful to and for ſuch officer or collector, and they are hereby required for non-payment thereof, to diſtrain the perſon or perſons ſo refuſing or neglecting to pay, by his or their goods or chattels, or to diſtrain in and upon the meſſuages, lands and tenements ſo charged; and the goods and chattels then and there found, and the diſtreſs ſo taken, to keep by the ſpace of four days at the coſts and charges of the owner thereof; and if the ſaid owner do not pay the ſum of money due by this act, within the ſaid

four days, then the ſaid diſtreſs to be apprized by two or three of the inhabitants where the ſaid diſtreſs is taken, and there to be ſold by the ſaid officer or collector, for the payment of the ſaid money, and the overplus coming by the ſaid ſale (if any be) over and above the charges of taking and keeping the diſtreſs, to be immediately reſtored to the owner thereof: and moreover, it ſhall be lawful to break open in the day-time any houſe, and upon warrant under the hands and ſeals of any two or more of the ſaid commiſſioners, any cheſt, trunk or box, or other things where goods are, and call to their aſſiſtance the conſtables, tythingmen, or headboroughs within the counties, towns or places where any refuſal, neglect or reſiſtance ſhall be made; which ſaid officers are hereby required to be aiding and aſſiſting in the premiſſes.

XI. And be it further enacted by the authority aforeſaid, That where any perſon or perſons, chargeable with any rates or aſſeſſments by this act impoſed, ſhall be under the age of one and twenty years, there, and in every ſuch caſe the parents, guardians, or tutors of ſuch infants reſpectively, upon default of payment by ſuch infants, ſhall be, and are hereby made liable to and chargeable with the payments which ſuch infants ought to have made; and if ſuch parents, or guardians, or tutors, ſhall neglect or refuſe to pay as aforeſaid, it ſhall and may be lawful to proceed againſt them in like manner, as againſt other perſon or perſons making default of payment, as herein before appointed: and all parents, guardians, or tutors, making payment as aforeſaid, ſhall be allowed all and every the ſums ſo paid for ſuch infants upon his and their accompt: and the ſeveral and reſpective tenants of all and every the meſſuages, manors, lands, tenements, hereditaments and premiſſes, which by virtue of this act ſhall be charged with any pound rate, as aforeſaid, are hereby required and authorized to pay ſuch ſum and ſums of money, as ſhall be rated upon ſuch meſſuages, lands, tenements, hereditaments and premiſſes, and to deduct out of the rents ſo much of the ſaid rates as in reſpect of the ſaid rents payable for ſuch meſſuages, lands, tenements, hereditaments, or premiſſes the landlord ſhould and ought to bear; and all landlords, both mediate and immediate, according to their reſpective intereſts, are hereby required to allow ſuch deductions and payments upon receipt of the reſidue of the rents; and every tenant paying the ſaid aſſeſſment of the pound rate, ſhall be, and is hereby acquitted and diſcharged for ſo much money as the ſaid aſſeſſment ſhall amount unto, as if the ſame had been actually paid unto ſuch perſon or perſons unto whom his rent ſhould have been due and payable.

XII. And be it further enacted, That every perſon rated or aſſeſſed for his office or employment, ſhall be rated, and pay for his ſaid office and employment in the county, city or place where ſuch office or employment is executed; and every perſon who is or ſhall be rated for, or in reſpect of any perſonal eſtate to him any way belonging, ſhall be rated, and the ſum or ſums on him

or

or her ſet, ſhall be levied at ſuch places where he or ſhe with his or her family ſhall be reſident at the time of the execution of this act; and all perſons not being houſholders, nor having a certain place of reſidence, ſhall be taxed at the place where they are reſident, at the time of the execution of this act; and if any perſon who ought to be taxed by virtue of this act, ſhall at the time of his aſſeſſment, for or in reſpect of his ready moneys, or perſonal eſtate, be out of the realm, ſuch perſon ſhall be rated therefore in ſuch county, city or place where he was laſt abiding within the realm; and every perſon who ſhall be rated or aſſeſſed for or in reſpect of any meſſuages, manors, lands, tenements, hereditaments, or other the premiſſes, according to the pound rate of twelve pence in every twenty ſhillings yearly, as aforeſaid, ſhall be rated and aſſeſſed in the place where ſuch meſſuages, manors, lands, tenements, hereditaments and premiſſes reſpectively do lie, and not elſewhere.

XIII. Provided always, That if any perſon or perſons having ſeveral manſion houſes or places of reſidence, ſhall be doubly charged by virtue of this act, for or in reſpect of his or their perſonal eſtate, then upon certificate made by two or more of the commiſſioners for the county, city or place (which certificate the ſaid commiſſioners are required to give without delay, fee or reward) of his or their laſt perſonal reſidence, under their hands and ſeals, of the ſum or ſums charged upon him or them, and in what capacity or reſpect he or they were ſo charged; and upon oath made of ſuch certificate before the commiſſioners to whom ſuch certificate ſhall be tendred (which oath the ſaid commiſſioners are hereby authoriſed to adminiſter) then the perſon and perſons ſo doubly charged ſhall, for ſo much as ſhall be ſo certified, be diſcharged in every other county, city or place. And if any perſon that ought to be taxed by virtue of this act, for or in reſpect of his perſonal eſtate, ſhall by changing his place of reſidence, or by any other fraud or covin eſcape from the taxation, and not be taxed, and the ſame be proved before the commiſſioners or any two of them, or before any two juſtices of the peace, of the county where ſuch perſon dwelleth or reſideth, at any time within ſix months next enſuing, after ſuch tax made, every perſon that ſhall ſo eſcape from the taxation and payment, ſhall be charged upon proof thereof, at the double value of ſo much as he ſhould or ought to have been taxed at by this act; the ſaid double value upon certificate thereof made into the exchequer by the commiſſioners or juſtices before whom ſuch proof ſhall be made, to be levied of the goods, lands and tenements of ſuch perſons towards the ſupply aforeſaid.

XIV. And be it further enacted by the authority aforeſaid, That the commiſſioners that ſhall be within any county, city or place within their reſpective limits, or the major part of them, ſhall rate, tax and aſſeſs every other commiſſioner joyned with them, for and in reſpect of the goods, chattels, and perſonal eſtate whereof ſuch commiſſioner ſhall be poſſeſſed; and alſo for and in reſpect of the offices and employments of profit, which at

the time of ſuch taxation ſhall be held and enjoyed by ſuch commiſſioner, ſo as the reſidence and uſual dwelling-place of ſuch commiſſioner ſo to be taxed, be within the diviſion of ſuch commiſſioners by whom he is taxed, and ſo as the office or employment held and enjoyed by ſuch commiſſioner ſo to be taxed, be likewiſe to be exerciſed within the diviſion or limits of ſuch commiſſioners, by whom he is to be taxed; and the commiſſioners within their diviſion ſhall alſo aſſeſs every aſſeſſor within their diviſion, who ſhall be poſſeſſed of any goods and chattels, or other perſonal eſtate, for which by this act he ought to be rated and aſſeſſed; and as well all ſums upon every the ſaid commiſſioners and aſſeſſors, as the aſſeſſments made and ſet by the aſſeſſors aforeſaid, ſhall be written, eſtreated, levied and gathered as it ſhould and ought to have been if the ſaid commiſſioners had not been named commiſſioners.

XV. And be it further enacted and ordained by the authority aforeſaid, That all and every perſon and perſons having any ſhare or ſhares, or intereſt in the freſh ſtream of running-water brought to the north parts of *London*, commonly called the *New River*; or in the *Thames* water-works; or in the *Hyde-Park* or *Marybone* waters, or any rents or profits ariſing thereby; and all perſon and perſons having any ſhare or intereſt in the ſtock or ſtocks for printing of books in or belonging to the houſe commonly called the King's printing-houſe, ſhall pay for the ſame the ſum of one ſhilling for every twenty ſhillings of the clear yearly value thereof; and that all companies of merchants in *London* charged by this act, ſhall be aſſeſſed by the commiſſioners to be nominated and appointed for the ſaid city, or any three of them, for their reſpective joynt ſtock and ſtocks; and all and every perſon and perſons having any ſhare or ſhares, or intereſt in the *New River* water brought to the north parts of *London*, or in the *Thames* water-works, or the *Hyde-Park*, or *Marybone* waters, or any rents or profits ariſing thereby charged by this act; and alſo the ſaid ſtock and ſhares for printing, as aforeſaid, ſhall be aſſeſſed for the ſame in like manner by the ſaid commiſſioners or any three of them, after the rates herein contained; and the ſame ſhall be paid to ſuch perſon or perſons, as the ſaid commiſſioners ſhall appoint, by the governors and treaſurers of the ſaid reſpective companies, and by the treaſurers of the ſaid river-water and water-works, and ſtock for printing, and be deducted at and out of their next dividends.

XVI. Provided always, and it is hereby declared, That the ſeveral rates and taxes, to which the lords and peers of this realm, ſhall be liable by virtue of this act, for or in reſpect of their perſonal eſtates and offices, ſhall be received by a collector, to be nominated by the peers; which ſaid collector ſhall cauſe the ſame to be paid into their Majeſties receipt of exchequer at *Weſtminſter*, upon or before the firſt day of *December*, in the year of our Lord one thouſand ſix hundred eighty nine, or within thirty days after.

XVII. Pro-

XVII. Provided alſo, That this act ſhall not extend to the inhabitants of *Scotland*, *Ireland*, *Jerſey* or *Guernſey*, for or concerning any ſuch perſonal eſtate aforeſaid, which they, or any to their uſe, have within the places aforeſaid, or to any who having been inhabitants of *Ireland*, and have fled into this kingdom, ſince the firſt day of *November* one thouſand ſix hundred eighty eight, for or concerning any perſonal eſtate which they, or any to their uſe have in this kingdom of *England*, or in the ſaid kingdom of *Ireland*; and if any perſon or perſons certified, aſſeſſed or rated, for or in reſpect of any real or perſonal eſtate, or for or in reſpect of any matter or thing, for which by this act he or they may be rated or charged, do find him or themſelves agrieved with ſuch aſſeſſing or rating, and do within ten days after demand thereof made, complain to the commiſſioners, the ſaid commiſſioners, or any two or more of them (whereof one of the commiſſioners who ſigned or allowed his or their rate to be one) ſhall and may within fourteen days after ſuch complaint, particularly examine any perſon or perſons upon his or their oath (other than the party complaining:) touching the value of his or their real or perſonal eſtate, and other the matters aforeſaid, and upon due examination, or knowledge thereof, abate, defalk, increaſe or enlarge the ſaid aſſeſſment; and the ſame ſo abated, increaſed or enlarged, ſhall be certified or eſtreated by them into the exchequer in manner aforeſaid; and to that end the ſaid commiſſioners are hereby required, to meet together for the determining of ſuch complaints and appeals accordingly.

XVIII. And it is further enacted by the authority aforeſaid, That if any aſſeſſor, collector, receiver, or other perſon appointed by the commiſſioners, ſhall wilfully neglect, or refuſe to perform his duty in the due and ſpeedy execution of this act, the ſaid reſpective commiſſioners, or any three or more of them, may and ſhall, by virtue of this act, impoſe on ſuch perſon and perſons, ſo refuſing or neglecting their duties, any fine not exceeding the ſum of five pounds for any one offence, the ſame to be levied and certified as aforeſaid, into his Majeſties court of exchequer, and charged upon the reſpective receiver general amongſt the reſt of the rates aforeſaid; and the ſaid commiſſioners, or any two or more of them, may or ſhall from time to time call for, and require an accompt from the reſpective receiver general, of all the moneys received by him of the ſaid head collectors, and of the payment thereof into his Majeſties receipt of exchequer, according to the direction of this act; and in caſe of any failure in the premiſſes, the ſaid commiſſioners, or any two or more of them, are hereby required to cauſe the ſame to be forthwith levied, and paid according to the true intent and meaning of this act; and in caſe of any controverſie ariſing between the ſaid commiſſioners, concerning any rates or aſſeſſments to be laid by virtue of this act, the commiſſioners that ſhall be concerned therein ſhall have no voice, but ſhall withdraw during the debate of ſuch controverſie, until it be determined by the reſt of the commiſſioners; and all queſtions and

differences that ſhall ariſe touching any of the ſaid rates, taxes, aſſeſſments or levies, ſhall be heard and finally determined by two or more of the commiſſioners, upon complaint thereof to them made, by any perſon or perſons thereby grieved, without further trouble or ſuit in law; and the ſaid receivers general ſhall give acquittances *gratis* to the ſaid head collectors, for all moneys of them received; and the ſaid head collectors ſhall alſo give acquittances *gratis* to the ſubcollectors, for all ſuch moneys as ſhall be paid by them in purſuance of this act; and the ſaid ſubcollectors ſhall make and deliver to the ſaid head collectors, a perfect ſchedule fairly written in parchment under their hands and ſeals, ſigned and allowed by any two or more of the reſpective commiſſioners, containing the names, ſirnames, and places of abode, of every perſon within their reſpective collection, that ſhall make default of payment of any of the ſums that ſhall be rated or aſſeſſed on ſuch perſon by virtue of this act, where no ſufficient diſtreſs is to be found, and not otherwiſe, and the ſum and ſums charged on every ſuch perſon; the ſame ſchedule to be delivered by the head collector to the receiver general of the county, city or place reſpectively, to be by him returned into their Majeſties court of exchequer, whereupon every perſon ſo making default of payment may be charged by proceſs of the court, according to the courſe of the court of exchequer in ſuch caſes.

XIX. And be it further enacted by the authority aforeſaid, That no letters patents granted by their Majeſties, or any of their royal progenitors, to any perſon or perſons, cities, boroughs or towns corporate within this realm, of any manner of liberties, priviledges, or exemptions from ſubſidies, tolls, taxes, aſſeſſments or aids, ſhall be conſtrued or taken to exempt any perſon or perſons, city, borough or town corporate, or any the inhabitants of the ſame, from the burthen and charge of any ſum or ſums of money granted by this act; but that all and every ſuch perſon and perſons, city, borough and town corporate, ſhall pay their proportions of all rates and aſſeſſments by this preſent act impoſed (any ſuch letters patents, grants or charters, or any clauſe of *non obſtante*, matter or thing therein contained, or any law, ſtatute, cuſtom or preſcription, to the contrary notwithſtanding.)

XX. Provided alſo, That no perſon inhabiting in any city, borough or town corporate, ſhall be compelled to be any aſſeſſor or collector of, or for any part of the rates and aſſeſſments hereby granted, in any place or places out of the limits of the ſaid borough or town corporate.

XXI. Provided alſo, That nothing in this act contained ſhall be extended to charge any college or hall in either of the univerſities, or the colleges of *Windſor*, *Eaton*, *Winton* or *Weſtminſter*, or any hoſpitals or almſhouſes, or any free ſchool, for or in reſpect of the ſcites of the ſaid colleges or halls, or hoſpitals, or almſhouſes, or free ſchool, or any maſter, fellow, or ſcholar of any ſuch college or hall, or in any other free ſchools,

or

or any reader, officer or miniſter of the ſaid univerſities, colleges or ſchools, or of any almſmen of any hoſpitals or almſhouſes, for or in reſpect of any ſtipend, wages or profits whatſoever, ariſing or growing due to them in reſpect of the ſaid ſeveral places and employments in the ſaid univerſities, colleges, halls, ſchools, hoſpitals or almſhouſes, nor to charge any of the houſes or lands belonging to *Chriſt's* hoſpital, or the hoſpitals of Saint *Bartholomew*, *Bridewell*, Saint *Thomas*, and *Bethlehem* hoſpital within the city of *London* and borough of *Southwark*, or any of them, or to any college or hall in either of the univerſities, or to the colleges of *Eaton*, *Wincheſter* or *Weſtminſter*, or to any hoſpital, almſhouſe or free ſchool whatſoever, for or in reſpect of any rents or revenues payable to the ſaid hoſpitals, being to be received and diſburſed for the immediate uſe and relief of the poor in the ſaid hoſpitals.

XXII. Provided, That no tenants of any lands or houſes, by leaſe or grant from any of the ſaid hoſpitals, colleges, halls, almſhouſes or free ſchools ſhall claim or enjoy any freedom or exemption by this act, but that all the houſes and lands which they ſo hold, ſhall be rated for ſo much as they are yearly worth, over and above the rents reſerved and payable to the ſaid hoſpitals, colleges, halls, almſhouſes or free ſchools.

XXIII. Provided alſo, That where any perſon inhabiting within the city of *London*, or any other city or town corporate, hath his dwelling-houſe in one of the pariſhes and wards therein, and hath any goods, wares or merchandizes chargeable by this act, in one or more of the other pariſhes or wards, in the ſame city, That then ſuch perſon ſhall be charged, taxed and aſſeſſed for ſuch his goods or merchandizes, in the pariſh or ward where he dwelleth, and not elſewhere in the ſaid city.

XXIV. Provided always, and be it further declared and enacted by the authority aforeſaid, That for the avoiding all obſtructions and delays in aſſeſſing and collecting the ſums which by this act are to be rated and aſſeſſed, all places, conſtablewicks, diviſions and allotments, which have uſed to be rated and aſſeſſed, ſhall pay and be aſſeſſed in ſuch county, hundred, rape, wapentake, conſtablewick, diviſion, place and allotment as the ſame hath heretofore uſually been aſſeſſed in, and not elſewhere.

XXV. Provided always, and be it further enacted, That in caſe any lands or houſes in any pariſh, place or conſtablewick, ſhall lie unoccupied, and no diſtreſſes can be found on the ſame, nor the perſon of the true owner or proprietor can be found within the ſaid county, by reaſon whereof the rate and aſſeſſment upon ſuch unoccupied lands cannot be levied, That then upon complaint thereof made to the commiſſioners, for the county where ſuch caſe ſhall happen to be, the ſaid commiſſioners, or any two or more of them, ſhall certifie into their Majeſties court of exchequer, the name of the perſon whoſe land or houſe ſo lieth unoccupied, together with the ſum thereupon aſſeſſed, and the pariſh or place where ſuch land lieth; which certificate

is hereby declared to be a ſufficient charge upon the perſon and land therein named, and ſhall make the perſon debtor to their Majeſties for the ſum ſo aſſeſſed; and the court of exchequer ſhall iſſue out proceſs thereupon againſt the body, goods, and all other the lands of ſuch debtor, until the ſum ſo aſſeſſed be fully and effectually levied and paid to their Majeſties.

XXVI. And it is hereby further enacted and declared, That at the expiration of the reſpective times in this act preſcribed, for the full payment of the ſeveral and reſpective rates and aſſeſſments herein before granted, the ſeveral and reſpective commiſſioners, or any two or more of them, within their diviſion and hundred, ſhall and are hereby required to call before them, the chief collectors and ſubcollectors within each reſpective diviſion and hundred, to examine and aſſure themſelves of the full and whole payment of the particular ſum and ſums of money charged within and upon the ſaid diviſion and hundred, and every pariſh and place therein, and of the due return of the ſame into the hands of the receivers general of the ſaid county, city, town and place reſpectively, and by ſuch receiver general to the receipt of his Majeſty's exchequer, to the end there may be no failure in the payment of any part of the rates and aſſeſſments, which by this act ought to be levied and paid; and in caſe of any failure in the premiſſes, the commiſſioners, or any two of them, are to cauſe the ſame forthwith to be levied and paid according to the true intent and meaning of this act.

XXVII. Provided always, and it is hereby enacted, That it ſhall and may be lawful to and for any perſon and perſons to advance and lend unto their Majeſties upon the ſecurity of this act, any ſum or ſums of money, and to have and receive for the forbearance thereof, after the rate of ſeven pounds by the hundred for one whole year, and no more, directly or indirectly; and moreover, that no money ſo lent upon the ſecurity of this act, ſhall be rated or aſſeſſed by virtue of this act. And to the end that all moneys which ſhall be lent unto their Majeſties upon the credit of this act, may be well and ſufficiently ſecured out of the moneys ariſing and payable by this act,

XXVIII. Be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties exchequer, (That is to ſay) in the office of the auditor of the receipts, one book or regiſter, in which all monies that ſhall be paid into the exchequer by virtue of this act, ſhall be entred and regiſtred apart and diſtinct from all other monies paid or payable to their Majeſties upon any other branch of their Majeſties revenue, or upon any other account whatſoever; and that all and every perſon and perſons who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the exchequer, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his repayment bearing the ſame date with his talley; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, after

after the rate of ſeven pounds *per cent. per annum*, for his conſideration, to be paid every three months, until repayment of his principal; and that all orders for repayment of money ſhall be regiſtred in courſe, according to the date of the talley reſpectively, without preference of one before another, and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand entred in the ſaid regiſter book; ſo as that the perſon, native or foreigner, his executors, adminiſtrators and aſſigns, who ſhall have his order or orders firſt entred in the ſaid book of regiſter, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act; and he or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the monies to come in by this act, ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators or aſſigns ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent or purpoſe whatſoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any their Majeſties ſubjects, for providing or making of any ſuch books, regiſters, entries, view or ſearch, in or for payment of money lent, or the intereſt, as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages and coſts to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages and coſts, and ſhall be for ever after uncapable of his place or office; and in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment according to each perſon's due place and order as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages and coſts, in ſuch manner as aforeſaid; all which ſaid penalties, forfeitures, damages and coſts to be incurred by any of the officers of the exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction or order of reſtraint ſhall be in any wiſe granted or allowed,

XXIX. Provided always, and be it hereby declared, That

if it happen that ſeveral tallies of loan, or orders for payments, as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day.

XXX. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay ſubſequent orders of perſons that come and demand their money, and bring their orders before other perſons that did not come to demand their money, and bring their order in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them, (intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.)

XXXI. And be it further enacted by the authority aforeſaid, That every perſon or perſons to whom any money ſhall be due by virtue of this act, after order entred in the book of regiſter aforeſaid for payment thereof, his executors, adminiſtrators or aſſigns, by indorſement of his order may aſſign and transfer his right, title, intereſt and benefit of ſuch order, or any part thereof, to any other; which being notified in the office of the auditor of receipt aforeſaid, and an entry or memorial thereof alſo made in the book of regiſter aforeſaid for orders (which the officers ſhall upon requeſt, without fee or charge, accordingly make) ſhall entitle ſuch aſſignee, his executors, adminiſtrators and aſſigns, to the benefit thereof, and payment thereon; and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons who have made ſuch aſſignments, to make void, releaſe or diſcharge the ſame, or any the monies thereby due, or part thereof.

XXXII. And be it further enacted by the authority aforeſaid, That if any action, ſuit, plaint or information ſhall be commenced or proſecuted againſt any perſon or perſons, for what he or they ſhall do in purſuance, or in execution of this act, ſuch perſon or perſons ſo ſued in any court whatſoever, ſhall and may plead the general iſſue, not guilty, and upon any iſſue joined, may give this act, and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become non-ſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him, the defendants ſhall recover their treble coſts, for which they ſhall have the like remedy, as in caſe where coſts by law are given to the defendants.

XXXIII. Provided always, and be it enacted, That every rate, tax or aſſeſſment which ſhall be made or impoſed by virtue of this act of parliament, in reſpect of any houſe or tenement which an ambaſſador, reſident, agent, or other publick miniſter of any foreign prince or ſtate now doth, or ſhall hereafter

after inhabit or occupy, ſhall be paid by the landlord or owner of the ſaid houſe or tenements reſpectively.

XXXIV. And be it further enacted by the authority aforeſaid, That in all priviledged and other places, being extraparochial, or not within any the conſtablewicks or precincts of the reſpective aſſeſſors, to be appointed by virtue of this act (although in any monthly or other tax they have not been aſſeſſed or rated heretofore) the ſaid commiſſioners, or any two or more of them ſhall, and are hereby required to nominate and appoint two fit perſons living in or near the ſaid priviledged or other places, as aforeſaid, to be aſſeſſors for the ſaid places, and to make and return their aſſeſſments in like manner as by this act is appointed in any pariſh, tything, or place, and alſo to appoint one or more collectors, who are hereby required to collect and pay the ſame according to the rules appointed by this act for collecting and paying all ſums of money payable by this act.

XXXV. Provided always, That nothing in this act contained ſhall be conſtrued to alter, change, determine, or make void any contracts, covenants or agreements whatſoever between the landlord and tenant, touching the payment of taxes or aſſeſſments; any thing herein before mentioned to the contrary notwithſtanding.

XXXVI. Provided always, and be it further enacted by the authority aforeſaid, That no commiſſioner or commiſſioners who ſhall be employed in the execution of this act, ſhall be liable for, or by reaſon of ſuch execution to any of the penalties mentioned in an act made the five and twentieth year of King *Charles* the Second, *For the preventing of dangers which may happen from popiſh recuſants.*

XXXVII. Provided always, and be it enacted by the authority aforeſaid, That from and after the four and twentieth day of *June*, in the year of our Lord one thouſand ſix hundred eighty and nine, the officers of the receipt of their Majeſties exchequer, ſhall and may receive and take for their fees, three farthings in the pound, and no more, for all, or any ſum or ſums of money to be iſſued or paid to any of their Majeſties garriſons, or other land forces, out of the monies ariſing by an act intituled, *An act for the granting a preſent aid to their Majeſties*, An act intituled, *An act for raiſing money by a poll, and otherwiſe, towards the reducing of* Ireland, and by this preſent act, or any other act to be granted or made during this preſent ſeſſion of parliament.

XXXVIII. And it is hereby further enacted by the authority aforeſaid, That an accompt ſhall be given and made unto the commons in parliament aſſembled, of and for all and every ſum and ſums of money whatſoever, that ſhall be collected, levied and paid to the uſe of their Majeſties by virtue of this preſent act, or of any other act or acts made or paſſed, or to be made or paſſed at any time or times during this preſent ſeſſions of parliament.

CAP.

CAP. XXI.

An act for enabling lords commiſſioners for the great ſeal to execute the office of lord chancellor or lord keeper.

WHEREAS *their moſt excellent majeſties King* William *and Queen* Mary *have thought fit that the office of the lord chancellor or lord keeper of the great ſeal of* England *ſhould be executed by commiſſioners appointed for the ſame under the great ſeal of* England: *And whereas ſeveral authorities, juriſdictions, and powers, are by ſeveral acts of parliament, and otherwiſe, veſted, ſettled, and placed in the lord chancellor of* England, *or lord keeper of the great ſeal of* England *for the time being:* Now for the preventing of all doubts and queſtions that may ariſe, whether all or any of thoſe authorities, juriſdictions, and powers may be exerciſed by ſuch commiſſioners:

Commiſſioners of the great ſeal may execute the power of chancellor.

II. Be it enacted and declared, and it is hereby enacted and declared by the King's and Queen's moſt excellent majeſties, and by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That ſuch commiſſioners for the time being may uſe and exerciſe at all times according to their commiſſions, as of right belonging to the lords commiſſioners of the great ſeal of *England* for the time being, all and every the ſame and like offices, authority, juriſdiction, and execution of laws, and all other cuſtoms, privileges, emoluments, and advantages, which the lord chancellor of *England*, or lord keeper of the great ſeal of *England* for the time being, of right ought to have, uſe, or execute, as belonging to their, or either of their ſaid offices, or otherwiſe howſoever, to all intents and purpoſes, as if the ſaid lords commiſſioners for the time being were lord chancellor, or lord keeper of the great ſeal of *England*, and ſhall have, and take place next after the peers of this realm, and ſpeaker of the houſe of commons, unleſs any of them ſhall happen to be a peer, and then to take place according to his peerage.

Their place.

One commiſſioner may hear motions, &c.

III. Provided always, and be it enacted by the authority aforeſaid, That any one commiſſioner (in the abſence of the others) may hear motions, and give orders and directions touching the interlocutory proceedings in any cauſe, ſo as ſuch one commiſſioner in the abſence of the others ſhall not make any decrees, or put the great ſeal to any thing whatſoever, whereunto the whole broad ſeal ought to be affixt, unleſs there be two commiſſioners preſent.

Cuſtos rotulorum, how to be choſen. 37 Hen. 8. c. 1.

IV. And be it further enacted by the authority aforeſaid, That the nominating and appointing of the *cuſtos rotulorum*, throughout all the ſhires and counties of this realm, is and ſhall be as is directed by a ſtatute made in the thirty ſeventh year of *Henry* the Eighth, intituled, *A bill for* cuſtos rotulorum, *and the clerkſhip of the peace*; any law, uſage, or ſtatute to the contrary in any wiſe notwithſtanding.

V. And

V. And be it further enacted by the authority aforeſaid, That the *cuſtos rotulorum*, or other perſon, to whom of right it doth or ſhall belong to nominate or appoint the clerk of the peace for any county, riding, diviſion, or other place, ſhall, from time to time, where the office of the clerk of the peace now is, or hereafter ſhall be void, nominate and appoint one able and ſufficient perſon reſiding in the ſaid county, riding, diviſion, or other place, for which he is ſo appointed or to be appointed clerk of the peace, to execute the ſame by himſelf or his ſufficient deputy, and to take and receive the fees, profits, and perquiſites thereof, for ſo long time only as ſuch clerk of the peace ſhall well demean himſelf in his ſaid office.

Clerk of the peace how to be appointed. Carthew 426.

VI. And be it enacted by the authority aforeſaid, That if any clerk of the peace already nominated or to be nominated, as aforeſaid, ſhall miſdemean himſelf in the execution of the ſaid office, and thereupon a complaint and charge in writing of ſuch miſdemeanor ſhall be exhibited againſt him to the juſtices of the peace in their general quarter ſeſſions, it ſhall be lawful for the ſaid juſtices, or the major part of them, from time to time, upon examination and due proof thereof, openly in their ſaid general quarter ſeſſions, to ſuſpend or diſcharge him from the ſaid office; and that in ſuch caſe the *cuſtos rotulorum*, or other perſon, to whom it ſhall of right belong to nominate and appoint the clerk of the peace for ſuch county, riding, diviſion, or place, ſhall nominate and appoint one other able and ſufficient perſon reſiding in the ſaid county, riding, diviſion, or place, as aforeſaid, to be clerk of the peace in the place of ſuch perſon ſo amoved, as aforeſaid; and in caſe of refuſal or neglect to make ſuch nomination and appointment, before the next general quarter ſeſſions to be holden after the ſaid refuſal, that it ſhall and may be lawful for the ſaid juſtices of the peace, at their general quarter ſeſſions for the ſaid county, riding, diviſion, or place, or the major part of them, to nominate and appoint one able and ſufficient perſon reſiding in the ſaid county, riding, diviſion, or place, to be clerk of the peace in the place of ſuch perſon ſo amoved, as aforeſaid, to have, hold, and enjoy the ſaid office of clerk of the peace, and to execute the ſame by himſelf, or his ſufficient deputy, and to receive the fees, profits, and perquiſites thereof.

Juſtices of peace may diſcharge clerk of the peace.

Who ſhall nominate upon ſuch vacancy.

VII. Provided always, and be it enacted by the authority aforeſaid, That he ſhall be liable and ſubject to all the penalties, forfeitures, conditions, limitations, and proviſions herein and hereby mentioned and expreſſed, and may be amoved or diſcharged by the ſaid juſtices, or the major part of them, in ſuch manner and way as is above ſpecified.

New clerk of the peace liable to penalties, &c.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any *cuſtos rotulorum*, or other perſon, to whom of right it doth or ſhall belong to nominate, elect, or appoint any clerk of the peace, to ſell the ſaid place of clerk of the peace, or to take any bond or other aſſurance to receive or have any reward, money, fee, or profit, directly or indirectly,

Cuſtos rotulorum, &c. ſhall take no fee.

indirectly, to him or any other perſon, for ſuch nominating, electing, or appointing, but that every ſuch *cuſtos rotulorum*, or other perſon that ſhall ſo ſell the clerkſhip of the peace, and every clerk of the peace, who ſhall ſo buy his place, are hereby diſabled to hold their places of *cuſtos rotulorum*, or clerkſhip of the peace, and ſhall alſo each of them reſpectively forfeit double the ſum or value of other thing that ſhall be ſo given or taken, to be recovered by him or them to their own uſe that ſhall ſue for the ſame, to be proſecuted by any action of debt, ſuit, bill, plaint, or information, in any of their Majeſties courts at *Weſtminſter*, wherein no eſſoin, protection, or wager of law ſhall lie.

Penalty upon buyer and ſeller.

Clerk of the peace to take the following oath.

IX. And be it further enacted by the authority aforeſaid, That every clerk of the peace, before he enter upon the execution of his ſaid office, ſhall in open ſeſſions take the oath following, *viz.*

I A. B. *do ſwear, That I have not, nor will pay any ſum or ſums of money, or other reward whatſoever, nor given any bond or other aſſurance to pay any money, fee, or profit directly or indirectly to any perſon or perſons whomſoever, for ſuch nomination or appointment.*

So help me God.

Not to extend to *Lancaſter*.

X. Provided always, That nothing in this act contained ſhall any ways affect or relate to the clerk of the peace for the duchy and county palatine of *Lancaſter* only; which ſaid clerk of the peace holds his ſaid office for lives, by grants from his late Majeſty King *Charles* the Second, as his predeceſſors in the ſaid place have done, from former Kings and Queens of this realm, in right of their duchy and county palatine aforeſaid. This act to commence from the firſt day of *May*, one thouſand ſix hundred eighty nine.

CAP. XXII.

An act for the exportation of beer, ale, cyder, and mum.

FOR *the advancement of trade and encouragement of tillage and manufacture of this realm*, be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth of *June*, in the year of our Lord one thouſand ſix hundred eighty nine, it ſhall and may be lawful for any perſon in any ſea port, or upon any navigable river, to export and ſhip off as merchandize, within any of the uſual and allowed ports by law, and at the common keys for exportation and lading on board of merchandize, or keys to be appointed for that purpoſe, and within the uſual hours of exciſe, for account of himſelf or any other (to be exported into foreign parts) in the preſence of a ſworn gager, or other ſworn officer to be appointed by the farmers, commiſſioners or ſub-commiſſioners of their Majeſties exciſe, upon notice thereof to them

Ale, &c. may be exported.

them given at the office of exciſe, within the limits whereof the ſaid ale, beer, cyder, and mum, was brewed or made, of the reſpective port or place whence the ſame ſhall be ſhipped, any ſort of ſtrong ale, ſtrong beer, cyder, or mum, to be ſpent beyond the ſeas, paying cuſtom for the ſame after the rate of one ſhilling for every ton, which ſhall be exported in any *Engliſh* or foreign veſſel, and no more or other duty whatſoever; which ſaid gager or officer aforeſaid ſhall certify the quantity of the ſaid beer, ale, cyder, or mum ſhipped off, to the commiſſioners and officers of exciſe, where the entry thereof ſhall be made, who are hereby required to make allowance, or repay the exciſe of the beer, ale, cyder, or mum ſo exported, unto the brewer or maker thereof, within one month after ſuch exportation, deducting three pence *per* ton for the charges of their officers, and no more.

The cuſtom.

Exciſe repaid.

II. And be it further enacted by the authority aforeſaid, That if any merchant or maſter of any ſhip or veſſel, or other perſon, ſhall cauſe or ſuffer any of the ſaid liquors ſo ſhipped in any veſſel, as merchandize, to be unſhipped, unladen, and laid on land, or put into any other ſhip or veſſel, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, he or they ſhall forfeit the ſame, and fifty pounds of lawful money of *England* more for every caſk he or they ſhall ſo unduly land, or put aboard any veſſel, to be recovered in any of his Majeſty's courts of record, by information, bill, or plaint; the one moiety of which forfeiture ſhall be to the uſe of the King's and Queen's moſt excellent majeſties, the other moiety to the informer or proſecutor. And to the intent their Majeſties duties of exciſe may not be prejudiced for ſuch beer, ale, cyder, or mum, as ſhall be ſpent on ſhipboard, their Majeſties commiſſioners and officers of the cuſtoms are hereby required and enjoined to charge every maſter of any ſhip or veſſel in his victualling bill with ſo much beer, ale, cyder, or mum, and no more, as ſuch number of men uſe to ſpend in ſuch voyages; the exciſe whereof to be recovered according to the laws and rules already eſtabliſhed.

Penalty upon merchant unlading, &c.

Ale, &c. ſpent on ſhipboard.

III. And be it further enacted by the authority aforeſaid, That the aforeſaid rate of one ſhilling the ton for beer, ale, cyder, and mum to be exported, as aforeſaid, ſhall be levied and paid under ſuch rules and penalties, and for ſuch time, and in ſuch manner, as by the laws of tonnage and poundage are ordained.

Cuſtom how levied.

IV. Provided always, and be it enacted by the authority aforeſaid, That no mum imported from foreign parts, during the continuance of this act, ſhall have any part of the duty of cuſtom or exciſe, which was paid at the importation thereof, repaid upon exportation; any law, ſtatute, or uſage to the contrary in any wiſe notwithſtanding.

Exciſe, &c. for foreign mum not repaid.

CAP. XXIII.

An act for reviving two former acts for exporting of leather.

20 Car. 2. c. 5. 1 Jac. 2. c. 17.

Revived for ſeven years, paying a duty. 9 Ann. c. 6. ſ. 3. *and further continued by* 3 Geo. 1. c. 7. ſ. 2.

CAP.

CAP. XXIV.

An act for an additional duty of exciſe upon beer, ale, and other liquors.

WE your Majeſties moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, taking into ſerious conſideration the great and urgent occaſions, which do preſs your Majeſties to an extraordinary expence of treaſure for the defence of your kingdoms and dominions againſt invaſion, and for preſerving to your ſaid ſubjects the intercourſe of trade, for which purpoſe your Majeſties have found yourſelves obliged to equip and ſet out to ſea a royal navy, and to make and maintain a war againſt the *French* King; and in moſt thankful acknowledgement of your Majeſties tender care of the welfare of your people, have cheerfully and unanimouſly given and granted, and do hereby give and grant to your Majeſties, the ſeveral additional rates and duties of exciſe herein after mentioned: And do moſt humbly beſeech your Majeſties that it may be enacted:

Additional exciſe upon ale, &c. given for three years. *The duties appropriated by c. 28. of this ſeſſion to the payment of 600,000l. to the ſtates general, and the reſidue by* 2 W. & M. c. 10. ſ. 2. *to other uſes.*

II. And be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That from and after the four and twentieth day of *July*, which ſhall be in the year of our Lord, one thouſand ſix hundred eighty and nine, there ſhall be throughout your Majeſties kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto your Majeſties and your ſucceſſors, during the ſpace and term of three years, from the four and twentieth day of *July* aforeſaid, and no longer, for beer, ale, cyder, and other liquors herein after expreſſed, by way of exciſe, over and above all other duties, charges, and impoſitions by any former act or acts ſet and impoſed, and in manner and form following; that is to ſay, for every barrel of beer or ale, above ſix ſhillings the barrel, excluſive of the duty of exciſe, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, over and above the duties already payable for the ſame, nine pence; for every barrel of beer or ale of ſix ſhillings the barrel or under, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the ſaid common brewer, or by ſuch other perſon or perſons reſpectively as aforeſaid, and ſo proportionably for a greater or leſſer quantity, over and above the duty already payable for the ſame, three pence; for every barrel of vinegar or vinegar-beer brewed, or made of any *Engliſh* materials by any common brewer, or any other perſon for ſale, to be paid by the maker thereof, and ſo pro-

Beer or ale above 6s. the barrel 9d. a barrel.

Beer or ale 6s. the barrel, or under 3d. a barrel.

Vinegar of *Engliſh* materials 1s. 6d. a barrel.

proportionably for a greater or leſſer quantity, over and above the duties of exciſe already payable for the ſame, one ſhilling ſix pence; for every barrel of vinegar, or liquor prepared for vinegar made here for ſale, of any foreign materials or any mixture with foreign materials, to be paid by the maker thereof, and ſo proportionably for a greater or leſſer quantity, four ſhillings; for every barrel of beer, ale, or mum, imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importers before landing, over and above the duties already payable for the ſame, three ſhillings; for every tun of cyder or perry imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importer before landing, over and above the duties already payable for the ſame, four pounds; for every gallon of ſingle brandy, ſpirits, or *Aqua vitæ* imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties already payable for the ſame, two ſhillings; for every gallon of brandy, ſpirits, or *Aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties already payable for the ſame, four ſhillings; for all cyder and perry made and ſold by retail, upon every hogſhead, to be paid by the retailer thereof, over and above the duties already payable for the ſame, and ſo proportionably for a greater or leſſer meaſure, one ſhilling three pence; for all metheglin or mead made for ſale, whether by retail or otherwiſe, to be paid bythe maker, for every gallon three pence.

Vinegar of foreign materials, 4s. a barrel.

Beer, ale, or mum imported 3s. a barrel.

Cyder or perry imported 4l. a tun.

Single brandy imported 2s. the gallon.

Double brandy imported 4s. a gallon.

Cyder and perry retailed 1s. 3d. the hogſhead.

Metheglin or mead 3d. the gallon.

III. And be it further enacted by the authority aforeſaid, That if any diſtiller or maker of any low wines ſhall at any time after the twentieth day of *July*, one thouſand ſix hundred eighty nine, after an account hath been taken by the gager of the quantity of his low wines, ſell, diſpoſe of, or remove the ſame, or any part thereof, without diſtilling or drawing it off a ſecond time, every ſuch diſtiller or maker of low wines, for every gallon ſo ſold, diſpoſed of, or removed, ſhall forfeit the ſum of five ſhillings, to be levied in manner as any penalties or forfeitures are leviable by any act relating to the revenue of exciſe.

Diſtiller.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral rates and duties of exciſe, hereby impoſed on the liquors aforeſaid, ſhall be raiſed, levied, collected, recovered, and paid unto their Majeſties, and their ſucceſſors, during the time before mentioned, and in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned, expreſſed, and directed in and by one act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in Capite *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof:* and alſo in and by one other act of parliament made in the fifteenth year of his ſaid Majeſty's

Exciſe how collected.

12 Car. 2. c. 24.

15 Car. 2. c. 11.

reign, intituled, *An additional act for the better ordering and collecting the duties of excise, and preventing the abuses therein*, or in either of them, or by any other law now in force, relating to the revenue of excise, not otherwise herein and hereby altered and provided against.

V. *And for the avoiding all uncertainty, and all differences and disputes, which of late have been between the gagers and the brewers, victuallers, retailers, and other persons chargeable with the duties of excise, touching beer and ale, and touching the returns or charges made or to be made of beer or ale, by the gagers or officers appointed to take account and ascertain the same*; be it enacted and declared by the authority aforesaid, That every four and thirty gallons of beer or ale, whether strong or small, brewed or made in any part of *England*, *Wales*, or town of *Berwick* upon *Tweed*, by any the person or persons aforesaid, other than within the cities of *London* and *Westminster*, and within the weekly bills of mortality, taken by the gager according to the standard of the ale quart, four whereof shall make the gallon, remaining in the custody of the chamberlain of their Majesties exchequer, shall be reckoned, accounted, and returned by the gager or gagers, or other officers aforesaid, for a barrel of beer or ale; and that the allowances appointed to be made and allowed to the common brewers, other than within the cities of *London* and *Westminster*, and the weekly bills of mortality aforesaid, for waste by filling and leakage of their beer and ale, out of the said returns or charges made by the said gagers or other officers aforesaid, shall be two barrels and an half upon every three and twenty barrels of beer or ale, whether strong or small, and no more; any thing in the above mentioned acts, or any other act of excise, or any law or usage to the contrary in any wise notwithstanding; and that every barrel of beer and ale, made and brewed within the said cities of *London* and *Westminster*, and within the weekly bills of mortality aforesaid, by any the persons aforesaid, shall be reckoned, accounted, and returned as the same are respectively to be reckoned, accounted, and returned by the former acts of excise; and that the common brewers within the cities of *London* and *Westminster*, and within the weekly bills of mortality, shall have the like allowances for waste by filling and leakage, out of the said gagers returns, as by the said former acts are directed.

What shall be accounted a barrel.

Allowance for leakage.

VI. And whereas by the laws relating to their Majesties revenue of excise it is enacted, That gagers have power to gage all coppers, fats, and vessels in any brewhouse, and all other places whatsoever, belonging to, or used by any brewer, innkeeper, victualler, or other retailer of beer or ale, and to take an account of beer, ale, and worts from time to time brewed or made, and thereof to make return and report in writing to the commissioners and sub-commissioners of excise, and such returns to be a charge upon such brewers: now for the preventing of frauds and disputes which may happen or arise by the gagers making their returns as aforesaid; be it enacted by the authority aforesaid, That where it shall appear to the gager or gagers,

Brewer chargeable with the quantity of worts missing.

gagers, that any worts are miſſing, or not let fairly down into the tun, and ſuch gager cannot find the ſame, in ſuch caſe it ſhall be lawful for ſuch gager to charge ſuch brewer, victualler, or other retailer, with ſo much beer or ale, as ſuch worts ſo miſſing would reaſonably make.

Gagers may make returns upon warm worts.

VII. And for the avoiding as much as may be all diſputes, be it enacted, That it ſhall and may be lawful for all gagers to take their gages, and make their returns and charges, upon warm worts in the backs, coolers, or other veſſels, and in ſuch caſe ſhall make allowance to the brewer, innkeeper, victualler, or other retailer, of one tenth part thereof for waſh and waſte for all worts ſo returned and charged; which worts, nor any part of the ſame, are to be in any ſort afterwards charged with the payment of any duty of exciſe when brewed or made into beer or ale.

Ale ſeller not ſuable for ſelling at a higher rate than formerly.

VIII. Provided always, and be it enacted by the authority aforeſaid, That no innkeeper, victualler, or other retailer of beer or ale, ſhall at any time hereafter, during the continuance of this act, or of the additional duties hereby impoſed, be ſued, impleaded, or moleſted, by indictment, information, or popular action, or otherwiſe, for ſelling or uttering any beer or ale, at any other or higher prices than the prices heretofore limited and appointed; any thing in this act, or any other law or ſtatute to the contrary notwithſtanding.

IX. And foraſmuch as it is found by experience, that the payment of their Majeſties duties on ſtrong waters, *Aqua vitæ*, and ſpirits, is much avoided and defrauded by the diſtillers or makers of the commodities aforeſaid, by reaſon that the gagers and officers appointed to gage and charge thoſe liquors, are not duly admitted and permitted to enter and come into the houſes, diſtilling-houſes, or ſtore-houſes, and other places belonging to, or uſed by, ſuch diſtillers or makers of ſuch ſtrong waters, *Aqua vitæ*, and ſpirits, and the penalties impoſed by the former acts are often avoided for ſuch denial or refuſal, becauſe proof cannot be made by the informers or officers of any ſale made of any their commodities before the duty thereof is paid; be it enacted by the authority aforeſaid, That from henceforth in caſe any diſtiller or maker of the commodities aforeſaid ſhall, upon due requeſt or demand made by the gager or officer in the day-time, or in the night-time in the preſence of a conſtable, refuſe to permit ſuch gagers to enter and come into his or their houſe, diſtilling-houſe, ſtore-houſe, or other places belonging to, or uſed by, ſuch diſtillers or makers of ſtrong waters, *Aqua vitæ*, or ſpirits, the party and parties ſo offending ſhall forfeit and incur the forfeitures and penalties by the ſaid former acts impoſed and inflicted, to be recovered in manner as therein and thereby is directed; and the informer or proſecutor ſhall not be obliged to prove that ſuch offender ſold, carried, or delivered out, part of his commodities aforeſaid, before he had paid or cleared the duties due for the ſame; any thing in the ſaid former act, or any other act or ſtatute to the contrary notwithſtanding.

Puniſhment upon diſtiller refuſing gager to come into his ſtore houſe, &c.

15 Car. 2. c. 11. ſ. 6 & 7.

X. And whereas in and by the ſaid act made in the fifteenth year of the reign of the late King *Charles* the Second, it is amongſt other things therein provided or enacted in the words, or to the effect following (viz.) That no common brewer or brewers ſhall be ſued or proſecuted for any penalty or forfeiture by him or them incurred, for or by reaſon of any miſ-entry or ſhort entry, if he or they ſhall within one week after the delivery of the copy of the gagers return made upon him, certify his or their entry made for the week, for which ſuch copy of return is delivered, according to ſuch return for each reſpective charge of brewing, or otherwiſe diſcharging himſelf; be it enacted by the authority aforeſaid, That no brewer or brewers ſhall from henceforth have or claim any benefit by the ſaid proviſo, on any information to be brought againſt him or them for non-entry, wilful falſe entry, or nonpayment, if it ſhall appear by the evidence given, that ſuch brewer ſo ſued for non-entry, or ſhort, or falſe entry, or non-payment, did not *bona fide* ſhew to the gager or gagers appointed to take account of the beer or ale by them brewed, all the beer, ale, and worts of each reſpective guile for ſuch time for which ſuch copy of the return was made or given; or if any apparent fraud was acted or made to defraud their Majeſties of their duty for any part of the drink brewed in the time for which ſuch copy of the return is made or given by the gager, in ſuch caſe ſuch brewer ſhall incur all the penalties and forfeitures by the former acts provided or inflicted; the ſaid proviſo, or any thing in any acts or ſtatute relating to the exciſe in any wiſe notwithſtanding.

Brewer not diſcharged from miſentry, except he ſhewed the beer, &c. at the time of the return.

Puniſhment for concealing worts. 15 Car. 2. c. 11.

XI. And for avoiding ſome doubts that have ariſen, it is hereby declared and enacted by the authority aforeſaid, That every common brewer, innkeeper, victualler, or retailer of beer or ale, who, contrary to the ſaid act made in the ſaid fifteenth year of the reign of the late King *Charles* the Second, ſhall make uſe of any private or concealed ſtore-houſe, cellar, or place, for the laying of any beer, or ale, or worts in caſk, ſhall forfeit the ſum of fifty pounds for every ſuch offence; and every ſuch brewer, innkeeper, victualler, or retailer, who, contrary to the ſaid act made as aforeſaid, ſhall mix, conceal, or convey away any worts, ſhall forfeit twenty ſhillings for every barrel of worts by him or them ſo mingled, concealed, or conveyed away contrary to the ſaid act; and the commiſſioners of exciſe, and juſtices of the peace, and all others authorized to hear and determine forfeitures and offences againſt the laws relating to the exciſe reſpectively, on complaints or informations brought for theſe offences, or either of them, and duly proved before them, are hereby authorized to give judgment or ſentence for the reſpective forfeitures accordingly; any omiſſion, or not repeating of the ſaid offences, or either of them, in and by the ſaid act notwithſtanding.

Gagers to leave notes of their gages.

XII. And to the end common brewers and other perſons paying the duty of exciſe, may not be overcharged, it is hereby declared and enacted, That true notes in writing, of the laſt gages

gages made or taken by the ſaid gager, ſhall be left by them with all brewers, makers, or retailers of beer, ale, or other exciſeable liquors reſpectively, or ſome of their ſervants, at the times of their taking their ſaid gages, containing the quantity and quality of the liquors ſo gaged, upon penalty of forty ſhillings for every offence or neglect of the ſaid gager or gagers.

By whom and how complaints of overcharge may be determined.

XIII. And it is hereby enacted, That the commiſſioners of exciſe or appeals, or juſtices of peace, within whoſe juriſdiction reſpectively any ſuch brewer, maker, or retailer ſhall inhabit or dwell, upon complaint to them made by or on the behalf of ſuch brewers, makers, or retailers, of any overcharge returned upon them by any of the ſaid gagers, ſhall, and are required to hear and determine all ſuch complaints, and examine the witneſſes upon oath, which ſhall be produced as well on the behalf of the party making ſuch complaint, as on the behalf of all and every other party and parties (which oath they have hereby power to adminiſter) and thereupon, or by other due proof, to diſcharge or acquit ſuch brewer, maker, or retailer of ſo much of his and their reſpective charges, as ſhall be ſo made out before them; any thing in this or in any former law or ſtatute to the contrary notwithſtanding.

Officers for Angleſey.

XIV. *And whereas there is but one market town in the county of* Angleſey, *by reaſon of which the inhabitants of ſome parts of the ſaid county are put to extraordinary trouble and expence to make their entries and payments, being four and twenty miles diſtant from the ſaid market-town*; be it enacted by the authority aforeſaid, That for the eaſe of the ſaid inhabitants living remote from the ſaid market town, there ſhall be offices kept for the making entries and payments in the ſeveral towns of *Holyhead*, *Newborough*, and *Llanerchthmeth*, as well as in the town of *Beaumaris*, where only the ſaid office has been accuſtomed to be kept.

Puniſhment of commiſſioner of exciſe for taking money of any perſon but the King.

XV. *And whereas ſeveral collectors, ſurveyors, gagers, and other perſons employed about collecting, ſurveying, or gaging the duty of exciſe, have been forced to pay ſeveral ſums of money to the commiſſioners of exciſe, or their regiſters or clerks, upon pretence that the ſame is for writing, ſigning, and ſealing inſtructions or orders for every ſuch officer to execute his place, which muſt cauſe ſuch officer to reimburſe himſelf upon the people by one means or other:* for prevention whereof be it enacted, That no commiſſioner, or other perſon employed about the duty of exciſe, ſhall demand, take, or receive any ſum of money, or other reward whatſoever from any perſon, other than their Majeſties, upon pain of forfeiting his or their office, upon proof thereof by two or more credible witneſſes before any two of their Majeſties juſtices of the peace, ſo as every ſuch perſon, ſo offending, is hereby made uncapable of executing any office in their Majeſties revenue of the exciſe for the future.

Information againſt brewer, &c. to be within three

XVI. Provided alſo, That no information ſhall be brought, laid, or proſecuted againſt any common brewer or brewers, or alehouſekeeper, for any falſe or miſ-entry, or offence made or committed, from and after the four and twentieth day of *July*,

months after offence, and notice within a week after information.

one thouſand ſix hundred eighty and nine, unleſs the ſame information or informations be laid and entred before ſuch perſons appointed to determine the ſame, within three months next after every ſuch offence committed; and that notice thereof be given to ſuch perſon or perſons (againſt whom ſuch information ſhall be laid) in writing, or left at their dwelling-houſes, within one week after the laying and entring ſuch information, to the end a timely proviſion may be had and made in defending the ſame; any thing in this act or other law to the contrary notwithſtanding.

100 l. penalty for uſing melaſſes in brewing.

XVII. And be it further enacted by the authority aforeſaid, That from and after the firſt of *September*, one thouſand ſix hundred eighty-nine, no common brewer, or retailer of beer or ale, ſhall uſe in the brewing or working of any beer or ale any moloſſus, coarſe ſugar, honey, or compoſition or extract of ſugar, upon the penalty of the forfeiture, for every ſuch offence, of all ſuch liquors wherein any moloſſus, or coarſe ſugar, honey, or ſuch compoſition or extract ſhall be put, and alſo of the ſum of one hundred pounds; one moiety of all the ſaid forfeitures to be to their Majeſties, the other moiety to the informer, to be recovered by action of debt, bill, plaint, or information, in any of their Majeſties courts of record, wherein no eſſoin, wager of law, or any more than one imparlance ſhall be allowed, ſo as ſuch ſuit be commenced within ſix months after ſuch forfeiture incurred.

Exporter of corn from Berwick to have the advantage of the act of exporting corn.

XVIII. And be it further enacted, That when malt or barley of *Engliſh* growth, *Wincheſter* meaſure, ſhall be at four and twenty ſhillings by the quarter, or under; rye of *Engliſh* growth at two and thirty ſhillings by the quarter, or under; and wheat of *Engliſh* growth at eight and forty ſhillings by the quarter, or under, in the town or port of *Berwick* upon *Tweed*; every merchant or other perſon, who ſhall put on ſhipboard in *Engliſh* ſhipping, the maſter and two thirds of his mariners at leaſt being their Majeſties ſubjects, any ſorts of the corn aforeſaid, from the ſaid port or town of *Berwick*, with intent to export the ſaid corn into parts beyond the ſeas, and ſhall purſue all and every the methods and things preſcribed and appointed in that behalf, in and by an act made in this preſent ſeſſion of parliament, intituled, *An act for encouraging the exportation of corn*, ſhall have the benefit and advantage of the ſaid act, and of every thing therein contained, as fully to all intents and purpoſes, as if the ſaid corn had been put on ſhipboard from any port or ports of this kingdom, or dominion of *Wales*.

Supra, c. 12.

Except it be Scotch corn.

XIX. Provided always, and be it enacted, That if any merchant, or other perſon whatſoever, ſhall put on ſhipboard any corn of the growth of *Scotland*, out of the ſaid port of *Berwick* upon *Tweed*, that all ſuch corn ſhall be forfeited (that is to ſay) one third part to their Majeſties, one other third part to the informer, and the other third part to the poor of the ſaid town of *Berwick*.

CAP.

CAP. XXV.

An act to regulate the administration of the oaths required to be taken by commission or warrant officers employed in their Majesties service by land, by virtue of an act made this present session of parliament, intituled, An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths.

WHEREAS *by an act made this present session of parliament, intituled,* An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths, *all persons that shall hereafter be put into any military employment, shall be obliged to take the oaths, and make and subscribe the declaration therein mentioned, before such person as shall issue the commission or warrant for such employment; and whereas their Majesties service does require the regiments and troops of soldiers to march, and be at great distances from* London; *and upon any vacancy of any such military employment, by death or otherwise, it is necessary to fill up such vacancies, by granting new commissions for persons that may be at a great distance from* London, *so as their Majesties service will not permit them to repair to* London *to take the said oaths, and make the said declaration as aforesaid:* Ante, c. 8.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any commission for such military employment shall hereafter be granted to any person at any distance from *London* exceeding twenty miles, that such person shall and may take the said oaths, and make and subscribe the said declaration, at the next muster after the receipt of the said commission, before the commissary of the musters, or his deputy, who is hereby authorized to tender, administer, and take the same, and are hereby required to send up a certificate thereof, under his hand and seal, to the person who issued such commission; any thing in the aforesaid act to the contrary notwithstanding. Commission officers twenty miles from London how to take the oaths.

III. And in case such person, who shall receive such commission, shall refuse to take the said oaths, and subscribe the said declaration as aforesaid, such person shall not be allowed upon the musters, but his commission shall be void to all intents and purposes whatsoever. Penalty.

IV. Provided always, and be it enacted, That nothing in this act contained shall extend to the militia or trained bands of *England.* Militia saved.

CAP. XXVI.

An act to vest in the two universities the presentations of benefices belonging to papists.

WHEREAS *in and by a certain clause mentioned in one act of parliament made in the third year of the reign of King* James 3 Jac. 1. c. 5.

the First, *intituled*, An act to prevent and avoid dangers which may grow by popiſh recuſants, *it is enacted*, *That every perſon or perſons that is or ſhall be a popiſh recuſant convict*, *during the time that he ſhall be or remain a recuſant*, *ſhall*, *from and after the end of that preſent ſeſſion of parliament*, *be utterly diſabled to preſent to any benefice with cure*, *or without cure*, *prebend*, *or any other eccleſiaſtical living*, *or to collate or nominate to any free ſchool*, *hoſpital*, *or donative whatſoever*, *and from the beginning of the ſaid parliament ſhall likewiſe be diſabled to grant any avoidance to any benefice*, *prebend*, *or other eccleſiaſtical living:*

Perſons refuſing declaration diſabled to preſent, &c.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That every perſon who ſhall refuſe or neglect to make, repeat, and ſubſcribe the declaration mentioned in one act of this preſent parliament, intituled, *An act for the better ſecuring the government by diſarming papiſts and reputed papiſts*, when the ſame ſhall be tendred to ſuch perſon by any two or more juſtices of the peace, as in the ſaid act is enacted, or who ſhall upon notice given, as in the ſaid act is directed, refuſe or forbear to appear before them for the making, repeating, and ſubſcribing thereof, and ſhall thereupon have his name, ſurname, and uſual place of abode certified and recorded at the general quarter ſeſſions to be holden for the ſhire, riding, diviſion, or liberty, for which ſuch two juſtices ſhall be juſtices of the peace, by the clerk of the peace, or town clerk, as in the ſaid act is appointed; every ſuch perſon ſo recorded ſhall be, from and after the time of ſuch record made, adjudged, taken, and eſteemed diſabled to make ſuch preſentation, collation, nomination, donation, or grant of any avoidance of any benefice, prebend, or eccleſiaſtical living, as fully and amply as if ſuch perſon were a popiſh recuſant convict by the laws or ſtatutes of this realm; any law, ſtatute, or uſage to the contrary notwithſtanding. And that the chancellor and ſcholars of the univerſity of *Oxford*, and the chancellor and ſcholars of the univerſity of *Cambridge*, by what name or names ſoever they, or either of them are incorporated, ſhall reſpectively have the preſentation, nomination, collation, and donation of and to every ſuch benefice, prebend, or eccleſiaſtical living, ſchool, hoſpital, and donative, ſet, lying, and being in the reſpective counties, cities, and other the places and limits in the ſaid act of the third of King *James* mentioned, as in and by the ſaid act is directed and appointed, ſo often as any of them ſhall become void, according to the limitations, directions, and proviſions in that behalf limited, enacted, and provided.

Ante, c. 15.

Univerſities ſhall preſent, &c.

Truſtees diſabled.

III. And be it further enacted by the authority aforeſaid, That where any perſon or perſons are or ſhall be ſeized or poſſeſſed of any advowſon, right of preſentation, collation, or nomination to any ſuch eccleſiaſtical living, free ſchool, or hoſpital as aforeſaid, in truſt for any papiſt or popiſh recuſant, who ſhall be convicted or diſabled, according to the true intent and

and meaning of the ſaid ſtatute, made in the third year of the reign of the ſaid King *James* the Firſt, or by this preſent act, every ſuch perſon and perſons ſo ſeized and poſſeſſed in truſt for any papiſt or popiſh recuſant convict or diſabled, ſhall be and are hereby adjudged to be diſabled to preſent, nominate, or collate to any ſuch eccleſiaſtical living, free ſchool, or hoſpital, or to grant any avoidance thereof; and their and every of their preſentations, nominations, collations, and grants, ſhall be null and void to all intents and purpoſes whatſoever; and the chancellors and ſcholars of the ſaid reſpective univerſities as aforeſaid, upon every avoidance, ſhall have the preſentations, nominations, and collations, to ſuch eccleſiaſtical livings, free ſchools, and hoſpitals, in ſuch manner as they ſhould have the ſame, in caſe ſuch recuſant convict or diſabled were ſeized or poſſeſſed thereof.

3 Jac. 1. c. 5. *Enlarged as to papiſts not convict*, by 11 Ann. ſtat. 2. c. 14. ſ. 1.

IV. And in caſe any truſtee or truſtees, or mortgagee, or grantee of any avoidance, hereafter preſent, nominate, or collate, or cauſe to be preſented, nominated, or collated any perſon to any ſuch eccleſiaſtical living, free ſchool, or hoſpital, whereof the truſt ſhall be for any recuſant convict or diſabled, without giving notice of the avoidance in writing to the vice-chancellor for the time being of the univerſity, to whom the preſentation, nomination, or collation ſhall belong, according to the true intent of this act, within three months after the avoidance ſhall happen, ſuch truſtee or truſtees, mortgagees, or grantees, ſhall forfeit and pay the ſum of five hundred pounds, to the ſaid reſpective chancellors and ſcholars of either of the ſaid univerſities, to whom ſuch preſentation, nomination, or collation ſhall belong, according to the true intent of this preſent act, to be recovered in any of their Majeſties courts of record, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of law ſhall be allowed.

Penalty upon truſtees preſenting without notice.

V. Provided always, That the ſaid chancellors and ſcholars of either of the ſaid univerſities ſhall not preſent or nominate to any benefice with cure, prebend, or other eccleſiaſtical living, any perſon as ſhall then have any other benefice with cure of ſouls; and if any ſuch preſentation ſhall be had or made of any ſuch perſon ſo beneficed, the ſaid preſentation ſhall be utterly void; any thing in this act to the contrary notwithſtanding.

Preſentation of perſon beneficed, void.

VI. Provided, That if any perſon ſo preſented or nominated to any benefice with cure, ſhall be abſent from the ſame above the ſpace of ſixty days in any one year, that in ſuch caſe the ſaid benefice ſhall become void.

What abſence makes living void.

VII. Provided nevertheleſs, That if any ſuch perſon ſhall preſent himſelf before the juſtices of the peace at the general quarter ſeſſions to be holden for the county, riding, diviſion, or liberty where his name was recorded, and ſhall there in open court make, repeat, and ſubſcribe the ſaid declaration, and take the ſeveral oaths contained in one act of this preſent parliament, intituled, *An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths*, he ſhall from thenceforth be

Taking the oaths purges the diſability.

Cap. 8.

diſcharged of and from the ſaid diſability, and be enabled to make ſuch preſentation, collation, nomination, and donation, and grant of any avoidance to any benefice, prebend, or eccleſiaſtical living, ſchool, or hoſpital, as if this act had not been made.

CAP. XXVII.

An act for taking away the court holden before the preſident and council of the marches of Wales.

34 & 35 H. 8. c. 26.

WHEREAS *by the ſtatute made in the thirty fourth and thirty fifth year of King* Henry *the Eighth, intituled,* An act for certain ordinances in the King's majeſty's dominion and principality of *Wales, it is enacted, That there ſhall be and remain a preſident and council in the ſaid dominion and principality of* Wales, *and the marches of the ſame, with all officers, clerks, and incidents to the ſame, in manner and form as hath been heretofore uſed and accuſtomed; which preſident and council ſhall have power and authority to hear and determine, by their wiſdoms and diſcretions, ſuch cauſes and matters as be or hereafter ſhall be aſſigned to them by the King's majeſty, as heretofore hath been accuſtomed and uſed; and foraſmuch as the proceedings and decrees of that court have by experience been found to be an intolerable burthen to the ſubject within the ſaid principality, contrary to the great charter, the known laws of the land, and the birthright of the ſubject, and the means to introduce an arbitrary power and government; and foraſmuch as all matters examinable or determinable, or pretended to be examinable or determinable before the ſaid court of preſident and council, may have their proper redreſs in the ordinary courſe of juſtice, provided and ſettled in the ſeveral ſhires within the ſaid principality and dominion:* for remedy whereof,

The court of marches taken away.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, and by the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the before-recited clauſe in the ſaid ſtatute, made in the thirty fourth and thirty fifth year of King *Henry* the Eighth, ſhall be and is hereby repealed: and that the ſaid court, commonly called *The court before the preſident and council in the marches of* Wales, and all juriſdiction, power, and authority belonging unto, or exerciſed in the ſame court, or by any the judges, officers, or miniſters thereof, be clearly and abſolutely diſſolved, taken away, and determined.

Sheriffs in Wales how choſen.

III. And be it hereby further enacted by the authority aforeſaid, That the juſtices of the great ſeſſions in *Wales* reſpectively, for the time being, ſhall yearly nominate three ſubſtantial perſons for each ſhire in their reſpective circuits, to be ſheriffs of the ſame, and ſhall certify their names to the lords of the moſt honourable privy council *craſtino animarum*, to the intent the King's and Queen's majeſties, and the ſurvivor of them, and their ſucceſſors, being thereof advertiſed, may appoint one of the perſons ſo certified in every of the ſaid ſhires to be ſheriff for that year.

IV. And

IV. And be it further enacted, That all errors in pleas perſonal within the ſaid principality or dominion of *Wales*, ſhall be redreſſed by writ of error, in the ſame manner as errors in pleas real and mixed are appointed to be redreſſed by the ſaid ſtatute, made in the thirty fourth and thirty fifth year of King *Henry* the Eighth. Errors in pleas perſonal.

V. Provided always, That no judgments nor decrees paſſed in the ſaid court before the firſt day of *June*, one thouſand ſix hundred eighty nine, ſhall be by this act repealed or annulled, but all and every of them ſhall remain in the ſame force, and all executions upon them in the ſame ſtate, in which they were before the making of this act; any thing in this act contained to the contrary notwithſtanding. Commencement of the act. *The courts at* Weſtminſter *may award execution on theſe judgments*, &c. by 9 & 10 W. 3. c. 16.

CAP. XXVIII.

An act for appropriating certain duties for paying the ſtates general of the united provinces their charges for his Majeſty's expedition into this kingdom, and for other uſes. EXP.

CAP. XXIX.

An act for relief of the proteſtant Iriſh clergy. EXP.

CAP. XXX.

An act to repeal the ſtatute made in the fifth year of King Henry the Fourth, againſt the multiplying gold and ſilver.

WHEREAS *by a ſtatute made and enacted in the parliament held in the fifth year of the reign of King* Henry *the Fourth, late King of* England, *it was amongſt other things enacted in theſe words, or to this effect, namely*, That none from thenceforth ſhould uſe to multiply gold or ſilver, or uſe the craft of multiplication; and if any the ſame do, they ſhould incur the pain of felony: *And whereas ſince the making of the ſaid ſtatute, divers perſons have by their ſtudy, induſtry, and learning, arrived to great ſkill and perfection in the art of melting and refining of metals, and otherwiſe improving them and their ores (which very much abound within this realm) and extracting gold and ſilver out of the ſame; but dare not exerciſe their ſaid ſkill within this realm, for fear of falling under the penalty of the ſaid ſtatute, but exerciſe the ſaid art in foreign parts, to the great loſs and detriment of this realm:* 5 H. 4. c. 4. repealed.

II. Be it therefore enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, That from henceforth the aforeſaid branch, article or ſentence contained in the ſaid act, and every word, matter, and thing contained in the ſaid branch or ſentence, ſhall be repealed, annulled, revoked, and for ever made void; any thing in the ſaid act to the contrary in any wiſe whatſoever notwithſtanding.

III. Provided always, and be it enacted by the authority aforeſaid, That all the gold and ſilver that ſhall be extracted by the aforeſaid art of melting and refining of metals, and otherwiſe improving of them and their ores as before ſet forth, be from henceforth employed for no other uſe or uſes whatſoever, but Conditions of repeal.

but for the increaſe of monies; and that the place hereby appointed for the diſpoſal thereof, ſhall be their Majeſties mint within the tower of *London*; at which place they are to receive the full and true value for their gold and ſilver ſo extracted from time to time, according to the aſſay and fineneſs thereof; and ſo for any greater or leſſer weight: And that none of that metal of gold and ſilver, ſo refined and extracted, be permitted to be uſed or diſpoſed of in any other place or places within their Majeſties kingdoms and dominions.

Royal mine.

Explained by 5 & 6 W. & M. c. 6.

IV. Provided alſo, and be it further enacted by the authority aforeſaid, That no mine of copper, tin, iron, or lead, ſhall hereafter be adjudged, reputed, or taken to be a royal mine, although gold or ſilver may be extracted out of the ſame.

CAP. XXXI.

EXP. *Supra*, c. 20.

An additional act for the appointing commiſſioners for the executing an act of this preſent parliament, intituled, An act for a grant to their Majeſties of an aid of twelve pence in the pound for one year, for the neceſſary defence of their realms.

CAP. XXXII.

An act for the better preventing the exportation of wooll, and encouraging the woollen manufactures of this kingdom. Continued by 4 & 5 W. & M. cap. 24. ſect. 10. (except what relates to free importation of woollen manufacture) for three years, with proviſo that no wooll ſhall be imported from *Ireland* to *Exeter*.

WHEREAS *through the remiſneſs and negligence of officers and others, in not putting the laws in execution againſt the exportation of wooll, wooll-fells, mortlings, ſhorlings, yarn made of wooll, wooll-flocks, fullers-earth, fulling-clay, and tobacco-pipe-clay, and alſo by reaſon of the doubtfulneſs of ſome expreſſions in the ſtatute made in* 12 Car. 2. c. 32. *the twelfth year of the reign of King* Charles *the Second, divers great quantities of wooll, and other the things above mentioned, have been exported out of the kingdoms of* England *and* Ireland *into* France, *and other parts beyond the ſeas, which, if not prevented for the future, will tend to the utter ruin and undoing of many thouſands of their Majeſties ſubjects, and the great diminution of the trade of this kingdom*; for preventing whereof, and for the better explanation and execution of the laws made againſt the ſaid exportation; and for the preventing frauds generally practiſed to avoid the penalties therein mentioned:

Wooll carried to the ſea coaſts to be entred.

Enforced by 7 & 8 W. 3. c. 28. ſ. 3. 9 & 10 W. 3. c. 40.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every owner of wooll, or their agent or agents, that ſhall at any time carry, or cauſe to be carried any wooll to any port or place on the ſea coaſts, with an intention to convey the ſame to any other port or place on the ſea coaſts within the kingdom of *England*, dominion of *Wales*, or from the town of *Berwick* upon *Tweed*, from whence the ſame may be ſhipped off, or otherwiſe tranſported, conveyed, or carried into foreign parts, that the

ſaid

ſaid owner or owners ſhall in the firſt place cauſe a due entry to be made of the ſaid wooll, at the port from whence the ſame ſhall be ſo intended to be conveyed, containing the exact weight, marks, and numbers of the ſame, before he or they preſume to load or carry away any of the ſaid wooll, within five miles of any ſuch port or place on the ſea coaſts, from whence the ſame is ſo to be conveyed. And if any wooll ſhall be carrying towards the ſea without being firſt entred in manner aforeſaid, the wooll ſo found, as alſo the horſe or horſes, cart, waggon, or other beaſts, or carriages conveying the ſame, ſhall be forfeited and loſt: And the perſon or perſons carrying, driving, aiding, or abetting the ſame, ſhall ſuffer and forfeit in ſuch manner as by the laws and ſtatutes now in force againſt the exportation of wooll is provided.

Extended to wooll-fells and mortlings, &c. by 5 Geo. 1. c. 11. ſ. 14.

Penalty.

III. Provided always, and it is hereby enacted and declared, That the foregoing clauſe is not intended, nor ſhall be conſtrued to extend to the hindring any perſon or perſons from carrying his or their wooll from the place of ſhearing the ſame, on horſes, or by carts and waggons, to his or their own dwelling-houſe or houſes, or out-houſes thereunto belonging, though the ſame be within five miles or leſs of the ſea, ſo as ſuch perſon or perſons within ten days after the ſhearing of the ſaid wooll, and before he or they remove or otherwiſe diſpoſe of the ſame, or any part thereof, from the place where it was firſt carried after ſhearing, do under his or their hands certify to the officers of the cuſtoms in the next adjacent port the true quantity of the ſaid wooll (that is to ſay) of the number of fleeces, and where the ſame is houſed, and that ſuch perſon or perſons do not remove or otherwiſe diſpoſe of the ſaid wooll to any other place, without firſt certifying the officer of ſuch port, under his or their hands, of his intention to remove the ſame three days at leaſt before ſuch removal. And the officer and officers in the reſpective ports, and the limits of ſuch ports, are hereby required to receive and keep ſuch certificates, and to make a regiſter of them; but in caſe any ſuch perſon or perſons ſhall neglect to make and ſend ſuch certificate to the officer or officers of the next adjacent port as aforeſaid, or ſhall remove or otherwiſe diſpoſe of any of the ſaid wooll, before ſuch certificate of his intention ſo to do be made and delivered as aforeſaid, ſuch perſon or perſons ſhall have no benefit by this proviſo, but be liable to the penalties expreſſed in the foregoing clauſe.

Perſons carrying wooll from ſhearing, to certify it.

Regiſter of the certificates.

IV. And be it further enacted by the authority aforeſaid, That all cocquets for carrying wooll from any port within the kingdom of *England* dominion of *Wales*, or from the port of *Berwick* upon *Tweed*, ſhall be written upon paper, and not parchment, and ſigned by three of the chief officers of ſuch reſpective port at leaſt; and all certificates of landing the ſame again in any other of the ſaid ports, or from the kingdom of *Ireland*, ſhall be ſigned in like manner; and that all ſuch wooll, both at ſhipping and landing, ſhall be weighed in the preſence of the ſaid officers giving ſuch cocquets and certificates reſpectively; and that the exact weight, marks, and numbers of ſuch wooll,

Cocquet and certificate how to be made.

wooll, ſo ſhipped and landed, ſhall be likewiſe particularly expreſſed in both cocquet and certificate.

Officers penalty.

V. And be it further enacted and declared by the authority aforeſaid, That all and every ſuch officer and officers, as ſhall not obſerve the directions in this act before mentioned on their parts to be performed, ſhall be deemed and adjudged as aiders and abettors of the ſaid tranſportation, and ſuffer the penalties contained in the ſtatutes made in the twelfth and fourteenth years of King *Charles* the Second, againſt tranſportation of wooll, and other the things before mentioned.

12 Car. 2. c. 32. 13 & 14 Car. 2. c. 18.

Ports of import and export.

VI. Be it further enacted by the authority aforeſaid, That no wooll ſhall be ſhipped from the kingdom of *Ireland*, but from theſe ports following *(viz.) Dublin*, *Waterford*, *Youghall*, *Kingſale*, *Cork*, and *Drogheda*; and that no wooll ſhall be imported from the kingdom of *Ireland* into any ports but theſe following *(viz.) Liverpool*, *Cheſter*, *Briſtol*, *Minehead*, *Barnſtaple*, *Bidiford*, and *Exeter*.

Altered by 7 & 8 W. 3. c. 28. ſ. 5.

Commiſſioners to execute the act.

VII. And for the better and more effectual execution of this and other acts made againſt exportation of wooll, be it further enacted by the authority aforeſaid, That the right honourable Sir *Thomas Pilkington* lord mayor of the city of *London*, Sir *Henry Goodrick* baronet, Sir *Patience Ward* knight, Sir *Matthew Andrews* knight, Sir *Benjamin Newland* knight, Sir *John Matthews* knight, Sir *Peter Rich* knight, Sir *Robert Daſhwood*, Sir *William Portman* knight and baronet, Sir *Henry Aſhhurſt* baronet, Sir *William Aſhburſt* knight, Sir *Richard Newdigate*, Sir *John Fleet*, *William Harbord*, *John Summers*, *John Sandford*, *Foot Onſlow*, *John Pollexſen*, *Richard Bret*, *William Cranmore*, *Edward Montague*, eſquires; *Samuel Haſſel*, *William Haſſel* ſenior, *John Pariſh*, *John Voyer*, *John Gibbon*, *Barnard Carter*, gentlemen; Mr. *Montague* of *Horton*, Sir *Thomas Samuel* baronet, *William Dugdale* eſquire, *John Aſtley* of *Woley*, eſquire, Sir *William Langham*, Sir *John Poley* knight, Sir *Benjamin Ayloffe* baronet, Sir *Robert Jefferyes* knight, Sir *John Lethuellier* knight, Sir *Gabriel Roberts* knight, Sir *Samuel Daſhwood* knight, Sir *Thomas Vernon* knight, *Nathaniel Tench*, *William Huſſey*, *Thomas Canham*, *William Gore*, *Hugh Strode*, *Samuel Meverel*, *John Smith*, *Thomas Firmin*, *Arthur Moore*, *William Crouch*, *Thomas Heatly*, *Thomas Sandys*, *William Jolly*, eſquires; *Paris Slaughter*, *Henry Corniſh*, *John Devinck*, *Richard Scott*, *David Prole*, *Thomas Crandal*, *Philip Bickly*, *John Paris*, *Richard Harriſon*, *John Buſtfield*, *John Haines*, *Edward Bickly*, *Nicholas Broking*, *William Sandford*, *Benjamin Ivie*, *Daniel Ivie*, *Andrew Jeffery*, *Thomas Turner*, *Peter Par*, *Henry Newcomb*, *Joſeph Pince*, *Matthew Ferris*, *William Spry*, *John Keeſe* ſenior, *John Monkly* junior, *William Wrayford*, *John Youat*, *Robert Foſter*, *John Lavington*, *Thomas Potter*, *Robert Burridge*, *John Upcot*, *John Smith*, *John Mudford*, or any five of them, be authorized for putting this and other the ſaid laws in execution, who are hereby impowered from time to time, by their agents or ſubſtitutes to be deputed under the hands and ſeals of any five or more of them, to ſeize all wooll, wooll-fells, and other the things above mentioned, which ſhall be endeavoured to be tranſported contrary

trary to this act; and also to sue and prosecute all persons offending against this or any the said laws; any law, custom, or usage to the contrary notwithstanding.

Owners of ship, &c. discovering, their reward.

VIII. Provided always, That if any owner of any ship or vessel, or any master or mariner, knowing of the exportation of any sheeps-wooll, wooll-fels, mortlings, shorlings, yarn made of wooll, wooll-flocks, fullers-earth, fulling-clay, or tobacco-pipe-clay, contrary to the true meaning of this and the other acts above-mentioned, shall within three months next after the knowledge thereof, or after his return into the kingdom of *England*, or *Ireland*, or to the said town of *Berwick*, or into the dominion of *Wales* aforesaid, give the first information *bona fide*, before any of the barons for the time being of the court of exchequer in *England*, or the court of exchequer in *Ireland*, or before any three of the commissioners appointed by this act for the more effectual putting in execution this and other laws made against the exportation of wooll, or before the head officer of any port where he shall first arrive, upon his or their oath, of the number and quantity of such sheeps-wooll, wooll-fels, mortlings, shorlings, yarn made of wooll, wooll-flocks, fullers-earth, fulling-clay, or tobacco-pipe-clay, so carried, conveyed, or exported as aforesaid, and by whom, where, and in what ship or vessel, and afterwards shall be ready, upon reasonable warning, by process to justify and prove the same, That then such owner and owners, master, mariner, and mariners, shall not be liable or subject to any the penalties or forfeitures in this or any other act contained or enacted, for the offence aforesaid, but shall and is hereby enabled to recover and receive such benefit and advantages as is appointed to be allowed by the precedent act or acts.

Persons authorized may seize, &c.

IX. Provided nevertheless, That the powers given to the said commissioners shall not hinder any person or persons lawfully authorized from seizing wooll, or prosecuting any person offending against this or any former act made against the transportation of wooll, and other the things above-mentioned.

X. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, suit, or information shall be commenced or prosecuted against any person for what he shall do in pursuance of this act, such person so sued shall and may file a common bail, or enter into common appearance, and plead the general issue, *not guilty*; and upon issue joined may give this act in evidence: and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, or if upon a demurrer judgment pass against him, the defendant shall recover treble costs and damages for his molestation.

A register of wool.

XI. And for the better execution of the powers granted by this act, be it enacted by the authority aforesaid, That a register be kept at the custom-house, *London*, of all the wooll from time to time imported from *Ireland*; and also of what wooll shall be sent from one port to another in this kingdom; the

particular weights and numbers, the ſhip, maſter's name, owner's name, and to whom conſigned; to the end the ſaid commiſſioners appointed to put this act in execution may have an inſpection thereinto, or copies thereof, from time to time.

Continuance of the act. This act to continue for three years, and from thence to the end of the next ſeſſion of parliament.

Woolen manufacture may be exported. XII. And for the better encouragement of the manufacture as well as the growth of wool, be it further enacted by the authority aforeſaid, That from henceforward it ſhall and may be lawful to and for any perſon or perſons whatſoever to buy any cloth, ſtuffs, ſtockings, or other manufacture of wool made in the kingdom of *England*, dominion of *Wales*, or the town of *Berwick* upon *Tweed*, and the ſame freely, without any moleſtation or trouble whatſoever, to export into any parts beyond the ſeas, paying the uſual cuſtoms.

Saving to the companies charters. XIII. Provided, That nothing contained in this act ſhall be conſtrued to avoid the charters and grants made to the *Levant* company, to the *Eaſtland* company, to the *Ruſſia* company, to the *African* company, or to the privileges granted to them, or any them.

Wool from *Southampton*. XIV. Provided alſo, and it is hereby enacted by the authority aforeſaid, That it ſhall and may be lawful to tranſport from the port of *Southampton* only, for the only uſe or behoof of the inhabitants of the iſlands of *Guernſey*, *Jerſey*, *Alderney*, and *Sarke*, and of the woolen manufactures there made, one thouſand tods of unkembed wool for the iſland of *Guernſey*, two thouſand tods of unkembed wool for the iſland of *Jerſey*, two hundred tods of unkembed wool for the iſland of *Alderney*, and one hundred tods of unkembed wool for the iſland of *Sarke*, more than by the ſaid act made in the twelfth year of the reign of King *Charles* the Second is directed and provided for the ſame, to be done according to the ſame rules, orders, and directions, and under the like penalties and forfeitures as in the ſaid act is directed, ordained, appointed and inflicted, and on the further penalty of twenty pounds for every tod of wool, and forfeiture of the wool itſelf (one half thereof to his Majeſty, one quarter part thereof to the informer, and the other quarter part to the poor of the ſaid iſlands) in caſe any perſon ſhall again tranſport or attempt to tranſport any of the ſaid wool from the ſaid iſlands, for every offence therein; and alſo that every perſon ſo offending ſhall from and after the firſt offence be incapable of having or enjoying any grant of any wool from the ſaid port of *Southampton*, nor ſhall ever hereafter have any warrant given or granted him for that purpoſe; the ſaid penalties to be recovered by ſuch perſon as ſhall ſue for the ſame by any action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint is to be allowed, or any more than one imparlance.

10 Annæ, c. 16.

CAP.

CAP. XXXIII.

An act for explaining part of an act made in the first year of King James *the First, concerning tanned leather.*

WHEREAS *by a statute made in the first year of King* James *the First, it was enacted, That the master and wardens of the several mysteries of the cordwainers, curriers, girdlers, and saddlers of the city of* London, *for the time being, or the major part of the said master and wardens of every the said several mysteries, under the penalty therein mentioned, should four times in the year at least (that is to say) once every quarter of the year, or oftner if need should require, search, and view all boots, shoes, buskins, and other wares and things whatsoever made of tanned leather, in all and every house and houses, place and places, privileged or not privileged, as well within the city of* London *and suburbs thereof, as in every other place within three miles of the same city, where any shoemaker, saddler, girdler, currier, or other artificer using cutting, working, or dressing of leather, whether the same boots, and shoes, wares, stuff, or other things, were made of tanned leather, and were wrought according to the purport, effect, and true meaning of the said statute, or not:* 1 Jac. 1. c. 22. s. 29. *Explained by* 12 Geo. 2. c. 25.

II. *And whereas some doubts have been made, whether tanned leather, when and after it hath been fully dressed and curried by the currier, be a ware within the said statute, and several suits of law have been carried on against the master and wardens of the company of curriers, to their great charge and vexation, and tending to the utter avoiding the good provision made in the said statute for the due and lawful currying and dressing of leather, and the search and view thereof to be made as by the said statute is required:* for the removing therefore of all doubts, and that search and view may be duly made according to the said statute:

III. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all and every hide, skin, or piece of tanned leather, shaved or liquored, of what colour soever, with any lawful liquoring or dressing, and being well and truly curried according to the directions of the said statute, shall be adjudged, reputed, and taken to be the made ware and manufacture of the said currier, and subject to the view, search, and seizure of the said master and wardens, or the major part, as in and by the said statute is provided, and shall be liable to be seized, and subject to the same penalties as other wares insufficiently made of tanned leather by the said statute are liable and subject unto. What shall be adjudged ware within 1 Jac. 1. c. 22. s. 29.

IV. Provided always, That nothing in this or any other act shall extend to give any power to the master and wardens of the company of *curriers*, to visit, search, or seize any leather, hide, or skin, but such only as shall be curried or dressed within the city of *London*, or three miles thereof, by some members of The power of the master, &c.

their own company, nor in any other place, but in the open market, or in the ſhops, houſes, or warehouſes of ſuch curriers.

Red tanned leather how bought and ſold.

V. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all leather-ſellers, curriers, ſhoemakers, and all other perſon and perſons whatſoever, that do deal or work in leather, freely to buy all ſorts of red tanned leather in any open fair or market, whether curried or uncurried, the ſame being firſt ſearched and ſealed according to the form of the ſtatutes in that caſe made and provided, and having ſo bought the ſame, to ſell it again to any perſon or perſons whatſoever, in their publick and open ſhops, or to cut and convert the ſame into other made ware, according to their ſeveral and reſpective trades.

Leather may be bought and ſold by weight.

VI. And be it further enacted, That it ſhall and may be lawful for any perſon or perſons to buy or ſell leather, hides, and ſkins by weight; any law, ſtatute, or other proviſion to the contrary in any wiſe notwithſtanding.

CAP. XXXIV.

An act prohibiting all trade and commerce with France. (*Vide* 2 W. & M. ſeſſ. 2. cap. 14. for more effectual executing this act, and both revived and further continued by 4 & 5 *W. & M. cap.* 25. for three years, if war with *France* laſt ſo long.)

2 W. & M. ſt. 2. c. 9. ſ. 12. 5&6 W. & M. c. 20. ſ. 45. Importation of French commodities prohibited for three years, &c.

FORASMUCH *as your Majeſties, upon juſt and honourable grounds, have been pleaſed to declare an actual war with* France, *and to enter into ſeveral confederacies for carrying on the ſame; and that it hath been found by long experience, that the importing of* French *wines, vinegar, brandy, linen, ſilks, ſalt, paper, and other the commodities of the growth, product or manufacture of* France *or of the territories or dominions of the* French *king, hath much exhauſted the treaſure of this nation, leſſened the value of the native commodities and manufactures thereof, and greatly impoveriſhed the* Engliſh *artificers and handicrafts, and cauſed great detriment to this kingdom in general:*

Retailers to ſell wine in pewter.

XIX. And it is hereby enacted, that from and after the tenth day of *September*, one thouſand ſix hundred eighty nine, no vintner or retailer of wines whatſoever ſhall ſell or utter any wines by retail, other than by and in meaſures made of pewter, and ſealed according to the ſtatute, under the pain and penalty of five pounds for every ſuch offence, to the informer, to be levied and recovered in of any ſuch courts, and in ſuch manner, as aforeſaid.

Penalty 5l. 7&8 W. 3. c. 19. ſ. 3. 11&12 W. 3. c. 15. 2 W. & M. ſeſſ. 2. c. 14.

XX. And for the preventing of the miſchiefs which may be occaſioned by the ſophiſticating, corrupting, and adulterating of wines during ſuch time as they are by this act allowed to be ſold, be it enacted, That if any merchant, vintner, wine-cooper, or other perſon ſelling wine by wholeſale or retail, ſhall corrupt, ſophiſticate, or adulterate any wine, or ſhall utter or ſell any wine corrupted, ſophiſticated, or adulterated; ſuch perſon

ſon ſhall forfeit the ſum of three hundred pounds for every ſuch offence, the one moiety thereof to their Majeſties and their ſucceſſors, and other moiety thereof to ſuch perſon as ſhall ſue for the ſame by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed, and ſhall alſo ſuffer impriſonment by the ſpace of three months, without bail or mainpriſe. 300l. penalty for ſelling ſophiſticated wine. 4 & 5 W. & M. c. 25.

SESSIO SECUNDA.

Anno Regni GULIELMI & MARIÆ *primo.*

CAP. I. (35.)

9 & 10 W. 3.

An act for a grant to their Majeſties of an aid of two ſhillings in the pound for one year. EXP. c. 8. 12 & 13 W. 3. c. 11. f. 27.

CAP. II. (36.)

9 Ann. c. 21.

An act for declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown.

WHEREAS *the lords ſpiritual and temporal, and commons, aſſembled at* Weſtminſter, *lawfully, fully, and freely repreſenting all the eſtates of the people of this realm, did upon the thirteenth day of* February, *in the year of our Lord one thouſand ſix hundred eighty eight, preſent unto their Majeſties, then called and known by the names and ſtile of* William *and* Mary, *prince and princeſs of* Orange, *being preſent in their proper perſons, a certain declaration in writing, made by the ſaid lords and commons, in the words following*; viz.

WHEREAS *the late King* James *the Second, by the aſſiſtance of divers evil counſellors, judges, and miniſters employed by him, did endeavour to ſubvert and extirpate the proteſtant religion, and the laws and liberties of this kingdom.* The heads of abdication.

1. *By aſſuming and exerciſing a power of diſpenſing with and ſuſpending of laws, and the execution of laws, without conſent of parliament.* Diſpenſing power.

2. *By committing and proſecuting divers worthy prelates, for humbly petitioning to be excuſed from concurring to the ſaid aſſumed power.* Committing prelates.

3. *By iſſuing and cauſing to be executed a commiſſion under the great ſeal for erecting a court called,* The court of commiſſioners for eccleſiaſtical cauſes. Eccleſiaſtical commiſſion.

4. *By levying money for and to the uſe of the crown, by pretence of prerogative, for other time, and in other manner, than the ſame was granted by parliament.* Levying money.

5. *By raiſing and keeping a ſtanding army within this kingdom in time of peace, without conſent of parliament, and quartering ſoldiers contrary to law.* Standing army.

Diſarming proteſtants. 6. *By cauſing ſeveral good ſubjects, being proteſtants, to be diſarmed, at the ſame time when papiſts were both armed and employed, contrary to law.*

Violating elections. 7. *By violating the freedom of election of members to ſerve in parliament.*

Wrong proſecutions. 8. *By proſecutions in the court of King's bench, for matters and cauſes cognizable only in parliament; and by divers other arbitrary and illegal courſes.*

Juries. 9. *And whereas of late years, partial, corrupt, and unqualified perſons have been returned and ſerved on juries in trials, and particularly divers jurors in trials for high treaſon, which were not freeholders.*

Exceſſive bail. 10. *And exceſſive bail hath been required of perſons committed in criminal caſes, to elude the benefit of the laws made for the liberty of the ſubjects.*

Fines and puniſhments. 11. *And exceſſive fines have been impoſed; and illegal and cruel puniſhments inflicted.*

Grants of fines, &c. 12. *And ſeveral grants and promiſes made of fines and forfeitures, before any conviction or judgment againſt the perſons, upon whom the ſame ſame were to be levied.*

All which are utterly and directly contrary to the known laws and ſtatutes, and freedom of this realm.

And whereas the ſaid late King James *the Second having abdicated the government, and the throne being thereby vacant, his highneſs the prince of* Orange *(whom it hath pleaſed Almighty God to make the glorious inſtrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords ſpiritual and temporal, and divers principal perſons of the commons) cauſe letters to be written to the lords ſpiritual and temporal, being proteſtants; and other letters to the ſeveral counties, cities, univerſities, boroughs, and cinque-ports, for the chooſing of ſuch perſons to repreſent them, as were of right to be ſent to parliament, to meet and ſit at* Weſtminſter *upon the two and twentieth day of* January, *in this year one thouſand ſix hundred eighty and eight, in order to ſuch an eſtabliſhment, as that their religion, laws, and liberties might not again be in danger of being ſubverted: upon which letters, elections have been accordingly made,*

And thereupon the ſaid lords ſpiritual and temporal, and commons, purſuant to their reſpective letters and elections, being now aſſembled in a full and free repreſentative of this nation, taking into their moſt ſerious conſideration the beſt means for attaining the ends aforeſaid; The ſubjects rights. *do in the firſt place (as their anceſtors in like caſe have uſually done) for the vindicating and aſſerting their ancient rights and liberties, declare;*

No diſpenſing power. 1. *That the pretended power of ſuſpending of laws, or the execution of laws, by regal authority, without conſent of parliament, is illegal.*

Late diſpenſing illegal. 2. *That the pretended power of diſpenſing with laws, or the execution of laws, by regal authority, as it hath been aſſumed and exerciſed of late, is illegal.*

3. *That*

3. *That the commiſſion for erecting the late court of commiſſioners for eccleſiaſtical cauſes, and all other commiſſions and courts of like nature are illegal and pernicious.* Eccleſiaſtical courts illegal.

4. *That levying money for or to the uſe of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the ſame is or ſhall be granted, is illegal.* Levying money.

5. *That it is the right of the ſubjects to petition the King, and all committments and proſecutions for ſuch petitioning are illegal.* Right to petition.

6. *That the raiſing or keeping a ſtanding army within the kingdom in time of peace, unleſs it be with conſent of parliament, is againſt law.* Standing army.

7. *That the ſubjects which are proteſtants, may have arms for their defence ſuitable to their conditions, and as allowed by law.* Subjects arms.

8. *That election of members of parliament ought to be free.* Freedom of election.

9. *That the freedom of ſpeech, and debates or proceedings in parliament, ought not to be impeached or queſtioned in any court or place out of parliament.* Freedom of ſpeech.

10. *That exceſſive bail ought not to be required, nor exceſſive fines impoſed; nor cruel and unuſual puniſhments inflicted.* Exceſſive bail.

11. *That jurors ought to be duly impanelled and returned, and jurors which paſs upon men in trials for high treaſon ought to be freeholders.* Juries.

12. *That all grants and promiſes of fines and forfeitures of particular perſons before conviction, are illegal and void.* Grants of forfeitures.

13. *And that for redreſs of all grievances, and for the amending, ſtrengthening, and preſerving of the laws, parliaments ought to be held frequently.* Frequent parliaments.

And they do claim, demand, and inſiſt upon all and ſingular the premiſſes, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the ſaid premiſſes, ought in any wiſe to be drawn hereafter into conſequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his highneſs the prince of Orange, *as being the only means for obtaining a full redreſs and remedy therein.*

Having therefore an entire confidence, That his ſaid highneſs the prince of Orange *will perfect the deliverance ſo far advanced by him, and will ſtill preſerve them from the violation of their rights, which they have here aſſerted, and from all other attempts upon their religion, rights, and liberties.*

II. *The ſaid lords ſpiritual and temporal, and commons, aſſembled at* Weſtminſter, *do reſolve, That* William *and* Mary *prince and princeſs of* Orange *be, and be declared, King and Queen of* England, France *and* Ireland, *and the dominions thereunto belonging, to hold the crown and royal dignity of the ſaid kingdoms and dominions to them the ſaid prince and princeſs during their lives, and the life of the ſurvivor of them; and that the ſole and full exerciſe of the regal power be only in, and executed by the ſaid prince of* Orange, *in the names of the ſaid prince and princeſs, during their joint lives; and after their deceaſes, the ſaid crown and royal dignity of the ſaid* Tender of the crown.

kingdoms and dominions to be to the heirs of the body of the ſaid princeſs; and for default of ſuch iſſue to the princeſs Anne *of* Denmark, *and the heirs of her body; and for default of ſuch iſſue to the heirs of the body of the ſaid prince of* Orange. *And the lords ſpiritual and temporal, and commons, do pray the ſaid prince and princeſs to accept the ſame accordingly.*

New oaths of allegiance, &c.

III. *And that the oaths hereafter mentioned be taken by all perſons of whom the oaths of allegiance and ſupremacy might be required by law, inſtead of them; and that the ſaid oaths of allegiance and ſupremacy be abrogated.*

Allegiance.

I A. B. *do ſincerely promiſe and ſwear, That I will be faithful, and bear true allegiance, to their Majeſties King* William *and Queen* Mary:

So help me God.

Supremacy.

I A. B. *do ſwear, That I do from my heart abhor, deteſt, and abjure as impious and heretical, that damnable doctrine and poſition,* That princes excommunicated or deprived by the pope, or any authority of the ſee of *Rome*, may be depoſed or murdered by their ſubjects, or any other whatſoever. *And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate hath, or ought to have any juriſdiction, power, ſuperiority, pre-eminence, or authority eccleſiaſtical or ſpiritual, within this realm:*

So help me God.

Acceptance of the crown.

IV. *Upon which their ſaid Majeſties did accept the crown and royal dignity of the kingdoms of* England, France, *and* Ireland, *and the dominions thereunto belonging, according to the reſolution and deſire of the ſaid lords and commons contained in the ſaid declaration.*

The two houſes to ſit.

V. *And thereupon their Majeſties were pleaſed, That the ſaid lords ſpiritual and temporal, and commons, being the two houſes of parliament, ſhould continue to ſit, and with their Majeſties royal concurrence make effectual proviſion for the ſettlement of the religion, laws and liberties of this kingdom, ſo that the ſame for the future might not be in danger again of being ſubverted; to which the ſaid lords ſpiritual and temporal, and commons, did agree and proceed to act accordingly.*

Subjects liberties to be allowed.

VI. Now in purſuance of the premiſſes, the ſaid lords ſpiritual and temporal, and commons, in parliament aſſembled, for the ratifying, confirming and eſtabliſhing the ſaid declaration, and the articles, clauſes, matters, and things therein contained, by the force of a law made in due form by authority of parliament, do pray that it may be declared and enacted, That all and ſingular the rights and liberties aſſerted and claimed in the ſaid declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and ſo ſhall be eſteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforeſaid ſhall be firmly and ſtrictly

ſtrictly holden and obſerved, as they are expreſſed in the ſaid declaration; and all officers and miniſters whatſoever ſhall ſerve their Majeſties and their ſucceſſors according to the ſame in all times to come.

William and Mary declared King and Queen.

VII. And the ſaid lords ſpiritual and temporal, and commons, ſeriouſly conſidering how it hath pleaſed Almighty God, in his marvellous providence, and merciful goodneſs to this nation, to provide and preſerve their ſaid Majeſties royal perſons moſt happily to reign over us upon the throne of their anceſtors, for which they render unto him from the bottom of their hearts their humbleſt thanks and praiſes, do truly, firmly, aſſuredly, and in the ſincerity of their hearts think, and do hereby recognize, acknowledge and declare, That King *James* the Second having abdicated the government, and their Majeſties having accepted the crown and royal dignity as aforeſaid, their ſaid Majeſties did become, were, are, and of right ought to be, by the laws of this realm, our ſovereign liege lord and lady, King and Queen of *England*, *France*, and *Ireland*, and the dominions thereunto belonging, in and to whoſe princely perſons the royal ſtate, crown, and dignity of the ſaid realms, with all honours, ſtiles, titles, regalities, prerogatives, powers, juriſdictions and authorities to the ſame belonging and appertaining, are moſt fully, rightfully, and intirely inveſted and incorporated, united and annexed.

Limitation of the crown.

VIII. And for preventing all queſtions and diviſions in this realm, by reaſon of any pretended titles to the crown, and for preſerving a certainty in the ſucceſſion thereof, in and upon which the unity, peace, tranquillity, and ſafety of this nation doth, under God, wholly conſiſt and depend, The ſaid lords ſpiritual and temporal, and commons, do beſeech their Majeſties that it may be enacted, eſtabliſhed and declared, That the crown and regal government of the ſaid kingdoms and dominions, with all and ſingular the premiſſes thereunto belonging and appertaining, ſhall be and continue to their ſaid Majeſties, and the ſurvivor of them, during their lives, and the life of the ſurvivor of them: And that the intire, perfect, and full exerciſe of the regal power and government be only in, and executed by his Majeſty, in the names of both their Majeſties during their joint lives; and after their deceaſes the ſaid crown and premiſſes ſhall be and remain to the heirs of the body of her Majeſty; and for default of ſuch iſſue, to her royal highneſs the princeſs *Anne* of *Denmark*, and the heirs of her body; and for default of ſuch iſſue, to the heirs of the body of his ſaid Majeſty: And thereunto the ſaid lords ſpiritual and temporal, and commons, do, in the name of all the people aforeſaid, moſt humbly and faithfully ſubmit themſelves, their heirs and poſterities for ever; and do faithfully promiſe, That they will ſtand to, maintain, and defend their ſaid Majeſties, and alſo the limitation and ſucceſſion of the crown herein ſpecified and contained, to the utmoſt of their powers, with their lives and eſtates,

againſt all perſons whatſoever, that ſhall attempt any thing to the contrary.

Papiſts debarred the crown.

IX. *And whereas it hath been found by experience, that it is inconſiſtent with the ſafety and welfare of this proteſtant kingdom, to be governed by a popiſh prince, or by any King or Queen marrying a papiſt*; the ſaid lords ſpiritual and temporal, and commons, do further pray that it may be enacted, That all and every perſon and perſons that is, are or ſhall be reconciled to, or ſhall hold communion with, the ſee or church of *Rome*, or ſhall profeſs the popiſh religion, or ſhall marry a papiſt, ſhall be excluded, and be for ever incapable to inherit, poſſeſs, or enjoy the crown and government of this realm, and *Ireland*, and the dominions thereunto belonging, or any part of the ſame, or to have, uſe, or exerciſe any regal power, authority, or juriſdiction within the ſame; and in all and every ſuch caſe or caſes the people of theſe realms ſhall be, and are hereby abſolved of their allegiance; and the ſaid crown and government ſhall from time to time deſcend to, and be enjoyed by ſuch perſon or perſons, being proteſtants, as ſhould have inherited and enjoyed the ſame, in caſe the ſaid perſon or perſons ſo reconciled, holding communion, or profeſſing, or marrying as aforeſaid, were naturally dead.

All Kings, &c. to take the declaration of 30 Car. 2. ſtat. 2. c. 1.

X. And that every King and Queen of this realm, who at any time hereafter ſhall come to and ſucceed in the imperial crown of this kingdom, ſhall on the firſt day of the meeting of the firſt parliament, next after his or her coming to the crown, ſitting in his or her throne in the houſe of peers, in the preſence of the lords and commons therein aſſembled, or at his or her coronation, before ſuch perſon or perſons who ſhall adminiſter the coronation oath to him or her, at the time of his or her taking the ſaid oath (which ſhall firſt happen) make, ſubſcribe, and audibly repeat the declaration mentioned in the ſtatute made in the thirtieth year of the reign of King *Charles* the Second, intituled, *An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament*. But if it ſhall happen, that ſuch King or Queen, upon his or her ſucceſſion to the crown of this realm, ſhall be under the age of twelve years, then every ſuch King or Queen ſhall make, ſubſcribe, and audibly repeat the ſaid declaration at his or her coronation, or the firſt day of the meeting of the firſt parliament as aforeſaid, which ſhall firſt happen after ſuch King or Queen ſhall have attained the ſaid age of twelve years.

If under twelve years old to be done after attainment thereof.

King's aſſent.

XI. All which their Majeſties are contented and pleaſed ſhall be declared, enacted, and eſtabliſhed by authority of this preſent parliament, and ſhall ſtand, remain, and be the law of this realm for ever; and the ſame are by their ſaid Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, declared, enacted, and eſtabliſhed accordingly.

Non obſtantes made void.

XII. And be it further declared and enacted by the authority aforeſaid, That from and after this preſent ſeſſion of parliament, no diſpenſation by *non obſtante* of or to any ſtatute, or any part thereof,

thereof, ſhall be allowed, but that the ſame ſhall be held void and of no effect, except a diſpenſation be allowed of in ſuch ſtatute, and except in ſuch caſes as ſhall be ſpecially provided for by one or more bill or bills to be paſſed during this preſent ſeſſion of parliament.

XIII. Provided that no charter, or grant, or pardon, granted before the three and twentieth day of *October*, in the year of our Lord one thouſand ſix hundred eighty nine ſhall be any ways impeached or invalidated by this act, but that the ſame ſhall be and remain of the ſame force and effect in law, and no other than as if this act had never been made. Pardons excepted before October.

CAP. III. (37.)

An act for preventing all doubts and queſtions concerning the collecting the publick revenue. EXP.

CAP. IV. (38.)

An act for puniſhing officers or ſoldiers who ſhall mutiny or deſert their Majeſties ſervice, and for puniſhing falſe muſters. EXP.

CAP. V. (39.)

An act for a grant to their Majeſties of an additional aid of twelve pence in the pound for one year. EXP.

CAP. VI. (40.)

An act for the charging and collecting the duties upon coffee, tea, and chocolate, at the cuſtom houſe.

WHEREAS *it hath been found by experience, that the collecting of the duty ariſing to your Majeſties by virtue of ſeveral acts of parliament, by way of exciſe, upon the liquors of coffee, chocolate, and tea, is not only very troubleſome and unequal upon the retailers of thoſe liquors, but requireth ſuch attendance of officers, as makes the neat receipt very inconſiderable: For remedy thereof,*

II. Be it enacted by the King's and Queen's moſt excellent Majeſties, with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the nine and twentieth day of *September* one thouſand ſix hundred and ninety, ſo much of every act of parliament as concerns and requires the collecting the reſpective duties by any of thoſe acts, by way of exciſe, upon any of the liquors aforeſaid, ſhall ceaſe and determine; and ſo much of every the ſaid acts as requires the collecting of the ſaid duty, by way of exciſe, ſhall hereby be, and are repealed, as to that part only that require ſuch collection. Acts for collecting exciſe upon coffee, repealed.

The duties upon coffee, &c. to be collected at the cuſtom houſe. Half duty on coffee after 25 March, 1693. during this act diſcharged by 4 & 5 W. & M. c. 5. ſ. 13. One pound of cocoa nuts imported from Engliſh plantations 6d. from other countries 8d. One pound of tea 1 s. One pound weight of chocolate ready made 1 s. All to be paid above duties charged in the book of rates. Penalty for nonpayment. Two thirds repaid upon exportation. Nutmegs, &c. how imported. ——— The reſt of this act is repealed. *See* 4 & 5 W. & M. c. 5. ſ. 13. & 7 W. 3. c. 7. 9 & 10 W. 3. c. 14. 12 & 13 W. 3. c. 11. 3 & 4 Annæ, c. 4. 6 Annæ, c. 22. 7 Annæ, c. 7. ſ. 26. 10 Annæ, c. 26. 3 Geo. 1. c. 7. ſ. 8. 8 Geo. 1. c. 15. ſ. 17. 10 Geo. 1. c. 10. 12 Geo. 1. c. 28. ſ. 29. 4 Geo. 2. c. 14. 18 Geo. 2. c. 26.

CAP.

CAP. VII. (41.)

EXP. An act for review of the late poll granted to their Majeſties, and for an additional poll, towards the reducing of Ireland.

CAP. VIII. (42.)

An act for preventing vexatious ſuits againſt ſuch as acted in order to the bringing in their Majeſties, or for their ſervice.

WHEREAS *about the time of his Majeſty's glorious enterprize, for delivering this kingdom from popery and arbitrary power, and in aid and purſuance of the ſame, divers lords, gentlemen, and other good people, well affected to their country, did act as lieutenants, deputy lieutenants, juſtices of the peace, or other officers, civil or military, though not ſufficiently authorized thereunto, and did apprehend and put into cuſtody ſeveral criminous and ſuſpected perſons, and did ſeize and uſe divers horſes, arms, and other things, and did enter into the houſes and poſſeſſions of ſeveral perſons, and did quarter, and cauſe to be quartered, ſoldiers and others there; in which proceedings ſome force and violence, and defect of form was unavoidable, which in a time of peace and common ſafety would not have been warrantable: And alſo ſince their Majeſties happy acceſſion to the crown, by reaſon of the wars and troubles raiſed and occaſioned by the enemies of their Majeſties and this kingdom, divers like matters and things have been acted and done, all which were neceſſary and allowable in regard of the exigence of publick affairs, and ought to be juſtified, and the parties concerned therein indemnified: Nevertheleſs, ſome perſons ill affected to their Majeſties government, and the ſafety and welfare of this kingdom, have commenced and proſecuted, and threaten to commence and proſecute actions and ſuits againſt their Majeſties good ſubjects, for and by reaſon of their actings and doings aforeſaid: Therefore for the preventing the trouble and charges which the ſaid good ſubjects might be put to by the means of ſuch vexatious ſuits,* &c. --- Proſecutions againſt any perſons for doing any thing in bringing in
EXP. their Majeſties, void; --- defendant may plead general iſſue, and recover double coſts.

CAP. IX. (43.)

An act for the better ſecurity and relief of their Majeſties proteſtant ſubjects of Ireland.

WHEREAS *the kingdom of* Ireland *is (as well by the laws of this kingdom, as thoſe of* Ireland*) annexed and united to the imperial crown of* England, *and all acts, judgments, ſentences, orders, decrees, or other proceedings, of what kind ſoever, there had, made, or done, without or againſt the authority of the Kings or Queens of this kingdom of* England, *are abſolutely null and void; and all perſons in* Ireland *that oppoſe or ſubmit not to the government of the crown of this realm, are rebels, and guilty of high treaſon; notwithſtanding which, ſeveral perſons, ſince the happy acceſſion of their Majeſties King* William *and Queen* Mary *to the imperial crown of this realm, have been lately aſſembled at or near the city of* Dublin *in the kingdom*

dom of Ireland, *without any authority from their ſaid Majeſties, pretending to be, or calling themſelves by the name of a parliament, and in ſuch rebellious aſſembly have made and paſſed ſeveral pretended acts or ſtatutes, in manifeſt oppoſition to the ſovereignty, and to the inherent rights and dignities of the crown of this realm, and to the general prejudice and violation of the rights and properties of their Majeſties good ſubjects of that kingdom: And although all the ſaid proceedings are abſolutely null and void in themſelves, yet nevertheleſs, for the more plain and expreſs declaring and aſſerting the ſovereignty, rights, and dignities of the crown of* England, *and for the clearing all doubts, and quieting the minds of their Majeſties good ſubjects of that kingdom, as alſo for the remedying, preventing, and avoiding the ſeveral miſchiefs and inconveniencies intended by this act to be provided againſt,* &c. EXP.

Such acts, &c. declared to be void.

SESSIO PRIMA,

Anno Regni GULIELMI & MARIÆ *ſecundo.*

At the parliament held at Weſtminſter *the twentieth day of* March, 1689.

CAP. I.

An act for recognizing King William *and Queen* Mary, *and for avoiding all queſtions touching the acts made in the parliament aſſembled at* Weſtminſter, *the thirteenth day of* February, *one thouſand ſix hundred eighty eight.*

WE your Majeſties moſt humble and loyal ſubjects, the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, do beſeech your moſt excellent Majeſties, that it may be publiſhed and declared in this high court of parliament, and enacted by authority of the ſame, That we do recognize and acknowledge, your Majeſties were, are, and of right ought to be, by the laws of this realm, our ſovereign liege lord and lady King and Queen of *England*, *France*, and *Ireland*, and the dominions thereunto belonging, in and to whoſe princely perſons the royal ſtate crown, and dignity of the ſaid realms, with all honours, ſtiles, titles, regalities, prerogatives, powers, juriſdictions, and authorities to the ſame belonging and appertaining, are moſt fully, rightfully, and intirely inveſted and incorporated, united, and annexed.

King and Queen recognized.

II. And for the avoiding of all diſputes and queſtions concerning the being and authority of the late parliament aſſembled at *Weſtminſter* the thirteenth day of *February* one thouſand ſix hundred eighty eight, we do moſt humbly beſeech your Majeſties that it may be enacted, and be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in

Laſt parliament declared good.

in this preſent parliament aſſembled, and by the authority of the ſame, That all and ſingular the acts made and enacted in the ſaid parliament were and are laws and ſtatutes of this kingdom, and as ſuch ought to be reputed, taken and obeyed by all the people of this kingdom.

CAP. II.

EXP. An act for raiſing money by a poll, and otherwiſe, towards the reducing of Ireland, and proſecuting the war againſt France.

CAP. III.

An act for granting to their Majeſties for their lives, and the life of the ſurvivor of them, certain impoſitions upon beer, ale, and other liquors.

THE commons aſſembled in parliament, duly conſidering how much it conduceth to the ſafety, peace and proſperity of a kingdom, that the publick revenue thereof be in ſome meaſure proportionable to the publick charges, and with thankfulneſs and admiration, calling to remembrance his Majeſty's glorious and ſucceſsful undertaking for the deliverance of the people of this nation from popery and arbitrary power, have unanimouſly given and granted, and do hereby give and grant unto their Majeſties (whom God long preſerve) the ſeveral rates, impoſitions, duties, and charges upon beer, ale, cyder, and other liquors, mentioned in an act of parliament made in the twelfth year of the reign of his late majeſty King *Charles* the Second, intituled, *A grant of certain impoſitions upon beer, ale, and other liquors, for the increaſe of his Majeſty's revenue during his life*, and thereby granted to the ſaid King for his life (except ſuch, and ſo much of them, concerning which it is otherwiſe provided or ordained by any act made in the laſt parliament), and do moſt humbly beſeech their Majeſties that it may be enacted:

12 Car. 2. c. 23.

Rates upon beer, &c. given by 15 Car. 2. c. 23. now given to the King and Queen for their lives. 15 Car. 2. c. 11. *Further continued by* 1 Ann. ſtat. 1. c. 7. 1 Geo. 1. ſtat. 2. c. 1. *and perpetuated by* 1 Geo. 1 ſtat. 2. c. 12. ſ. 8. Manner of levying.

II. And be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſeveral rates, duties, and impoſitions upon beer, ale, cyder, and other liquors aforeſaid, be levied, collected and paid unto their Majeſties, during their lives, and the life of the ſurvivor of them, in the ſame manner and form, and at ſuch places, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned, expreſſed, and directed in and by the ſaid act; and alſo in and by another act of parliament made in the fifteenth year of the reign of his ſaid late Majeſty, intituled, *An additional act for the better ordering and collecting the duty of exciſe, and preventing the abuſes therein*, or by any other law now in force, relating to the ſaid revenue of exciſe; and that the aforeſaid acts, and every article, rule, and clauſe therein mentioned, ſhall be of full force and effect, to all intents and purpoſes, during their Majeſties lives, and the life of the ſurvivor of them, in like manner as if the ſame were particularly and at large recited and ſet down in the body of this act.

III. *And*

III. *And whereas their Majeſties are contented and pleaſed that it be enacted, That the rates, impoſitions, duties, and charges by this act given and granted to them as aforeſaid, ſhould be made a fund of credit for the raiſing a ſum not exceeding two hundred and fifty thouſand pounds, towards the reducing of* Ireland, *and carrying on the preſent war againſt the* French *King, not doubting but that their good ſubjects (in whoſe love and dutiful affections their Majeſties are firmly perſuaded the ſtrength and glory of the crown doth principally conſiſt) will in due time make proviſion for the taking off and diſcharging the ſaid anticipations:* Be it therefore enacted, *&c.* EXP.

If their Majeſties die, given to their ſucceſſors till December 1693. Clauſe of credit for 250,000 l. at 8 l. *per cent.* Three parts in four to be kept apart by the commiſſioners of the exciſe till December 1693. and the money to be paid weekly into the exchequer. Power given to the King to ſettle 20,000 l. *per annum* upon princeſs Anne. Their Majeſties may ſettle 20,000 l. *per annum* upon prince George, &c. if princeſs Anne die before their Majeſties.

CAP. IV.

An act for granting to their Majeſties a ſubſidy of tonnage and poundage, and other ſums of money payable upon merchandizes exported and imported. (*Continued by* 6 W. & M. cap. 1. *for five years.*)

Tonnage and poundage given to the King for four years. Several acts continued for four years. Clauſe of credit for 500,000 l. at 8 *per cent.* EXP.

12 Car. 2. c. 4. 12 Car. 2. c. 19. 13 & 14 Car. 2. c. 11. 22 Car. 2. c. 13. 25 Car. 2. c. 6. 25 Car. 2. c. 7. 1 Jac. 2. c. 19.

CAP. V.

An act for enabling the ſale of goods diſtrained for rent, in caſe the rent be not paid in a reaſonable time.

WHEREAS *the moſt ordinary and ready way for recovery of arrears of rent is by diſtreſs, yet ſuch diſtreſſes not being to be ſold, but only detained as pledges for enforcing the payment of ſuch rent, the perſons diſtraining have little benefit thereby:* For the remedying whereof,

Goods diſtrained for rent may be appraiſed and ſold.

II. Be it enacted and ordained by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *June*, in the year of our Lord one thouſand ſix hundred and ninety, that where any goods or chattels ſhall be diſtrained for any rent reſerved and due upon any demiſe, leaſe, or contract whatſoever, and the tenant or owner of the goods ſo diſtrained ſhall not within five days next after ſuch diſtreſs taken, and notice thereof (with the cauſe of ſuch taking) left at the chief manſion-houſe, or other moſt notorious place on the premiſſes charged with the rent diſtrained for, replevy the ſame, with ſufficient ſecurity to be given to the ſheriff, according to law, that then in ſuch caſe, after ſuch diſtreſs and notice as aforeſaid, and expiration of the ſaid five days, the perſon diſtraining ſhall and may, with the ſheriff or under ſheriff of the county, or with the conſtable of the hundred, pariſh, or place where ſuch diſtreſs ſhall be taken (who are hereby required to be aiding and aſſiſting therein)

Farther provided for by 8 Ann. c. 14. 11 Geo. 2. c. 19.

cauſe

cauſe the goods and chattels ſo diſtrained to be appraiſed by two ſworn appraiſers (whom ſuch ſheriff, under ſheriff, or conſtable are hereby impowered to ſwear) to appraiſe the ſame truly, according to the beſt of their underſtandings; and after ſuch appraiſement ſhall and may lawfully ſell the goods and chattels ſo diſtrained for the beſt price can be gotten for the ſame, towards ſatisfaction of the rent for which the ſaid goods and chattels ſhall be diſtrained, and of the charges of ſuch diſtreſs, appraiſement, and ſale, leaving the overplus (if any) in the hands of the ſaid ſheriff, under ſheriff, or conſtable, for the owners uſe.

Corn looſe, &c. may be detained and ſold.

III. *And whereas no ſheaves or cocks of corn looſe or in the ſtraw, or hay in any barn or granary, or on any hovel, ſtack, or rick, can by the law be diſtrained, or otherwiſe ſecured for rent, whereby landlords are oftentimes couſened and deceived by their tenants, who ſell their corn, grain, and hay to ſtrangers, and remove the ſame from the premiſſes chargeable with ſuch rent, and thereby avoid the payment of the ſame*; be it further enacted by authority aforeſaid, That for remedying the ſaid practice and deceit, it ſhall and may, from and after the ſaid firſt day of *June*, be lawful to and for any perſon or perſons having rent arrear, and due upon any ſuch demiſe, leaſe, or contract as aforeſaid, to ſeize and ſecure any ſheaves or cocks of corn, or corn looſe or in the ſtraw, or hay lying or being in any barn or granary, or upon any hovel, ſtack, or rick, or otherwiſe upon any part of the land or ground charged with ſuch rent, and to lock up or detain the ſame in the place where the ſame ſhall be found, for or in the nature of a diſtreſs, until the ſame ſhall be replevied upon ſuch ſecurity to be given as aforeſaid; and in default of replevying the ſame as aforeſaid, within the time aforeſaid, to ſell the ſame after ſuch appraiſement thereof to be made; ſo as nevertheleſs ſuch corn, grain, or hay ſo diſtrained as aforeſaid, be not removed by the perſon or perſons diſtraining, to the damage of the owner thereof, out of the place where the ſame ſhall be found and ſeized, but be kept there (as impounded) until the ſame ſhall be replevied, or ſold in default of replevying the ſame within the time aforeſaid.

Treble damages for pound breach.

IV. And be it further enacted by the authority aforeſaid, That upon any pound-breach or reſcous of goods or chattels diſtrained for rent, the perſon or perſons grieved thereby ſhall, in a ſpecial action upon the caſe for the wrong thereby ſuſtained, recover his and their treble damages and coſts of ſuit againſt the offender or offenders in any ſuch reſcous or pound-breach, any or either of them, or againſt the owners of the goods diſtrained in caſe the ſame be afterwards found to have come to his uſe or poſſeſſion.

1 Lutw. 213. Carthew 321.

Double damages and coſts againſt wrongful diſtrainer.

V. Provided always, and be it further enacted, That in caſe any ſuch diſtreſs and ſale, as aforeſaid, ſhall be made by virtue or colour of this preſent act for rent pretended to be arrear and due, where in truth no rent is arrear or due to the perſon or perſons diſtraining, or to him or them in whoſe name or names, or right, ſuch diſtreſs ſhall be taken as aforeſaid, that then the owner

owner of ſuch goods or chattels diſtrained and ſold as aforeſaid, his executors or adminiſtrators, ſhall and may, by action of treſpaſs, or upon the caſe, to be brought againſt the perſon or perſons ſo diſtraining, any or either or them, his or their executors or adminiſtrators, recover double of the value of the goods or chattels ſo diſtrained and ſold, together with full coſts of ſuit.

CAP. VI.

An act for the exerciſe of the government by her Majeſty during his Majeſty's abſence. EXP. 1 W. & M. ſſ. 2. c. 2.

CAP. VII.

An act to declare the right and freedom of election of members to ſerve in parliament for the Cinque-Ports.

WHEREAS *the election of members to ſerve in parliament ought to be free; and whereas the late lord wardens of the* Cinque-Ports *have pretended unto, and claimed as of right, a power of nominating and recommending to each of the ſaid* Cinque-Ports, *the two ancient towns, and their reſpective members, one perſon whom they ought to elect to ſerve as a baron or member of parliament for ſuch reſpective port, ancient town, or member, contrary to the ancient uſage, right, and freedom of elections:*

II. Be it therefore declared and enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all ſuch nominations or recommendations were and are contrary to the laws and conſtitutions of this realm, and for the future ſhall be ſo deemed and conſtrued, and hereby are declared to have been and are void to all intents and purpoſes whatſoever; any pretence to the contrary notwithſtanding. Recommendations of members to the Cinque-Ports void.

CAP. VIII.

An act for reverſing the judgment in a Quo Warranto *againſt the city of* London, *and for reſtoring the city of* London *to its ancient rights and privileges.*

WHEREAS *a judgment was given in the court of* King's Bench *in or about* Trinity *term, in the five and thirtieth year of the reign of the late King* Charles *the Second, upon an information in the nature of a* Quo Warranto, *exhibited in the ſaid court againſt the mayor and commonalty and citizens of the city of* London, *that the liberty, privilege, and franchiſe of the ſaid mayor and commonalty and citizens, being a body politick and corporate, ſhould be ſeized into the King's hands as forfeited: And foraſmuch as the ſaid judgment, and the proceedings thereupon, is and were illegal and arbitrary; and for that the reſtoring of the ſaid mayor and commonalty and citizens, to their ancient liberties, of which they had been deprived, tends very much to the peace and good ſettlement of this kingdom,*

II. Be

Judgment againſt the city charter void.

II. Be it declared and enacted by the King's and Q moſt excellent majeſties, by and with the advice and cor the lords ſpiritual and temporal, and commons, in this parliament aſſembled, and by authority of the ſame, T ſaid judgment given in the ſaid court of *King's Bench* in t *Trinity* term, in the five and thirtieth year of the reign ſaid King *Charles* the Second, or in any other term, and every other judgment given or recorded in the ſaid cou the ſeizing into the ſaid late King's hand, the liberty, pri or franchiſe of the mayor and commonalty and citizens city of *London*, of being of themſelves a body corpora politick, by the name of *The mayor and commonalty and cit the city of* London, and by that name to plead and be imp and to anſwer and to be anſwered, or in what manner or ſoever ſuch judgment was entred, is, ſhall be, and are reverſed, annulled, and made void, to all intents an poſes whatſoever; and that *vacates* be entred upon th of the ſaid judgment, for the vacating and reverſal of th accordingly.

London made a corporation

III. And be it further declared and enacted by the auth foreſaid, That the mayor and commonalty and citizens of t of *London*, ſhall and may for ever hereafter remain, contin be, and preſcribe to be, a body corporate and politick, *facto & nomine*, by the name of *mayor and commonalty and of the city of* London, and by that name, and all and other name and names of incorporation, by which they time before the ſaid judgment were incorporated, to ſue, and be impleaded, and to anſwer and to be anſwered, witho ſeizure or forejudger of the ſaid franchiſe, liberty, and pri or being thereof excluded or ouſted, for or upon any p of any forfeiture or miſdemeanor at any time heretof hereafter to be done, committed, or ſuffered; and t

Their liberties regranted to them.

mayor and commonalty and citizens of the ſaid city and may, as by law they ought, peaceably have and er and every their rights, gifts, charters, grants, liberties, leges, franchiſes, cuſtoms, uſages, conſtitutions, preſcri immunities, markets, duties, tolls, lands, tenements, and hereditaments whatſoever, which they lawfully had, lawful right, title, or intereſt of, in, or to, at the time recording or giving the ſaid judgment, or at the time o of the ſaid pretended forfeitures.

Grants ſince the judgment void.

IV. And be it enacted by the authority aforeſaid, T charters, letters patents, and grants, for incorporating tizens and commonalty, of the ſaid city, or any of them all charters, grants, letters patents, and commiſſions, ing or concerning any of their liberties or franchiſes, or berties, privileges, franchiſes, immunities, lands, tene and hereditaments, rights, titles, or eſtates of the may commonalty and citizens of the city of *London*, made or g to any perſon or perſons whatſoever, by the late King *Char* Second, ſince the ſaid judgment given, or by the late

e Second, be and are hereby declared and adjudged null l to all intents and purpoſes whatſoever.

rovided nevertheleſs, That no recoveries, verdicts, Proceſs in the ns, ſtatutes, recognizances, inquiſitions, indictments, mayor's court, &c. good. ents, informations, decrees, ſentences, executions, nor ints, proceſs, or proceedings in law or equity, had, iven, taken, or done, or depending in the mayor's or f the ſheriffs courts, or any other court within the ſaid iberties thereof, ſince the ſaid judgment given, ſhall be for want or defect of any legal power in thoſe that act- idges, juſtices, officers or miniſters of, in, or as belong- any of the ſaid courts; but that all and every ſuch re- s, verdicts, judgments, and other things above men- and the actings, doings, and proceedings thereupon, e of ſuch and no other force, effect, and virtue, than as judges, juſtices, officers, and miniſters had acted by of legal authority; and that no perſon or perſons ſhall be wiſe proſecuted, ſued, impeached, or moleſted for any or thing by him or them lawfully acted or done, in nce of any ſuch charters, letters patents, grants, or com- s.

Provided, That this act ſhall not extend to diſcharge Perſons not rſon or perſons from any penalty or penalties, or for- qualified li- s by him or them incurred, for not duly qualifying him able. mſelves to act upon the ſaid charters, letters patents, , or commiſſions.

And be it enacted by the authority aforeſaid, That all Officers at the and miniſters of the ſaid city, that rightfully held any time of the judgment con- r place in the ſaid city or liberties thereof, or in the firmed. h of *Southwark*, at the time when the ſaid judgment ven, are hereby confirmed, and ſhall have and enjoy the s fully as they held them at the time of the ſaid judg- iven; except ſuch as have voluntarily ſurrendred any nce or place, or have been removed for any juſt cauſe; t every perſon who, ſince the ſaid judgment given, hath oſen, admitted, and placed into any office or imploy- within the ſaid city, upon the death, ſurrender, or re- as aforeſaid, of the former officer, ſhall be and is here- firmed in his ſaid office or imployment, and ſhall have oy the ſame in as full and ample manner, as if he had mitted or placed therein according to the ancient cu- f the ſaid city.

Provided alſo, and be it enacted by the authority afore- Leaſes made hat all leaſes and grants of any of the lands, tenements, ſince the judg- ments, and other things, before the time of the ſaid ment, good. nt given, belonging to the ſaid mayor and commonalty zens, and uſually leaſed or granted by them, made ſince e of the ſaid judgment given by the ſaid late King *Charles* ond, or King *James* the Second, or by any perſon or taking upon them to be truſtees for the ſaid city, for the tion or maintenance of the government or publick offices

of the ſaid city, by or upon pretence of any grant or con
by their ſaid late Majeſties, King *Charles* the Second, a
James the Second, or either of them, ſuch grants and le
ing made for juſt, good, and valuable conſiderations, an
upon the old accuſtomed yearly rent, or more, hath
ſerved, payable into the chamber or bridge-houſe, or an
hoſpitals of the ſaid city, ſhall be as good and valid for th
and under the rents, payments, proviſoes, conditions, co
and agreements therein reſpectively contained, againſt th
and commonalty and citizens of the ſaid city, and thei
ſors, as if the ſame had been made by the mayor and com
and citizens of the ſaid city, under their common ſeal, an
judgment had never been given, and not otherwiſe.
ſaid mayor and commonalty and citizens, and their ſu
ſhall have the benefit and advantage of all rents, reſe
payments, conditions, covenants, clauſes, and agreem
every ſuch grant or leaſe contained, and the like remedy
payment, breach, or non-obſervance thereof, as if the ſa
or leaſes had been made by the ſaid mayor and commo
citizens, and the ſaid rents, payments, conditions, co
clauſes, and agreements had been made payable, reſer
venanted, or agreed to and with the ſaid mayor and co
ty and citizens.

Judgments for the city good.

IX. And be it further enacted by the authority a
That all judgments, decrees, and ſentences had or obt
any perſon or perſons taking upon them to be truſtees
ſaid, for or concerning any lands, tenements, duties, t
intereſts whatſoever, of or belonging to the ſaid m
commonalty and citizens of the ſaid city, ſhall ſtand an
in force, and ſhall be proſecuted and executed by, an
for the uſe of the ſaid mayor and commonalty and citi
if the ſame had been obtained in the name of the ſaid m
commonalty and citizens; and that all perſons being
born ſubjects or denizens, that have been admitted
freedom of the ſaid city, ſince the ſaid judgment given,

Freedoms good.

free thereof, and have and enjoy the ſaid freedom to a
and purpoſes, as if they had been thereunto admitted b
ſaid judgment given.

Mayor, &c. to continue till new election.

X. Provided always, That the preſent mayor, ſheriff
berlain, and common council of the ſaid city, ſhall
until a new election ſhall be made of ſuch officers, and
ſons elected ſworn into their reſpective offices, and t
new election be made at the times hereafter mentioned
to ſay, the election of the mayor, and ſheriffs, and c
lain, ſhall be made on the ſix and twentieth day of *May*, i
one thouſand ſix hundred and ninety; and the electio
common council ſhall be made on the tenth day of *Ju*
year one thouſand ſix hundred and ninety; and ſuch p
elected ſhall continue till the uſual times of election of
cers, according to the ancient uſage and cuſtom of the
and from thence ſhall continue for the year enſuing.

. Provided nevertheleſs, and be it enacted, That if the r, ſheriffs, chamberlain, and common council, ſhall not ected at the times hereby limited, the mayor, ſheriffs, erlain, and common council, which were in being at the f the ſaid judgment given, ſhall be and continue in thoſe tive offices and places, till new elections be made of the ficers and common council, according to the ancient uſage uſtom of the ſaid city. Old mayor, &c. in, if no choice.

I. And be it further enacted, That all perſons ſo to be re- l and continued, ſhall be and are hereby required to take aths appointed by a certain act made in the firſt year of Majeſties reign, intituled, *An act for the abrogating of the of ſupremacy and allegiance, and appointing other oaths*, the next after ſuch reſtitution, under the penalties, forfeitures, diſ- ties, and incapacities in the ſaid act provided and appointed. Perſons reſtored, &c. to take the new oaths, 1 W. & M. ſeſſ. 1. c. 8.

III. And be it enacted, That the mayor, ſheriffs, and cham- in, ſo to be elected, ſhall be ſworn in uſual manner on or re the twentieth day of *June* next enſuing. Mayor, &c. ſworn as uſual.

IV. And be it enacted by the authority aforeſaid, That all every of the ſeveral companies and corporations of the ſaid ſhall from henceforth ſtand and be incorporated by ſuch e and names, and in ſuch ſort and manner, as they reſpec- y were at the time of the ſaid judgment given, and every of are hereby reſtored to all and every the lands, tenements, ditaments, rights, titles, eſtates, liberties, powers, privi- , precedencies, and immunities, which they lawfully had enjoyed at the time of giving the ſaid judgment; and that ll all ſurrenders, as charters, letters patents, and grants ew incorporating any of the ſaid companies, or touching ncerning any of their liberties, privileges, or franchiſes, e or granted by the ſaid late King *James*, or by the ſaid *Charles* the Second, ſince the giving of the ſaid judgment, be void, and are hereby declared null and void, to all in- and purpoſes whatſoever. Provided nevertheleſs, That no n or perſons ſhall be in any wiſe proſecuted, ſued, impeach- r moleſted for any cauſe or thing by him or them lawfully or done in purſuance of any ſuch charters, letters patents, ants. Companies reſtored.

V. Provided alſo nevertheleſs, and it is hereby further enact- the authority aforeſaid, That all leaſes, terms, and eſtates or granted by any of the ſaid companies ſince the giving of aid judgment, for juſt and valuable conſiderations, and pon the old accuſtomed yearly rents, or more, are re- , ſhall ſtand, and be of the ſame force and effect, as if me had been made or granted by the ſaid ſeveral compa- s hereby reſtored; and the ſaid reſpective companies and ceſſors ſhall have the benefit and advantage of all rents, tions, payments, conditions, covenants, clauſes, and a- nts, in all and every ſuch leaſe or grant contained, and e remedy therefore, as if the ſame grants and leaſes had ade by the ſaid reſpective companies as now reſtored, and Leaſes made ſince the judgment, good.

Judgment againſt the city charter void.

II. Be it declared and enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That the ſaid judgment given in the ſaid court of *King's Bench* in the ſaid *Trinity* term, in the five and thirtieth year of the reign of the ſaid King *Charles* the Second, or in any other term, and all and every other judgment given or recorded in the ſaid court, for the ſeizing into the ſaid late King's hand, the liberty, privilege, or franchiſe of the mayor and commonalty and citizens of the city of *London*, of being of themſelves a body corporate and politick, by the name of *The mayor and commonalty and citizens of the city of* London, and by that name to plead and be impleaded, and to anſwer and to be anſwered, or in what manner or words ſoever ſuch judgment was entred, is, ſhall be, and are hereby reverſed, annulled, and made void, to all intents and purpoſes whatſoever; and that *vacates* be entred upon the rolls of the ſaid judgment, for the vacating and reverſal of the ſame accordingly.

London made a corporation

III. And be it further declared and enacted by the authority aforeſaid, That the mayor and commonalty and citizens of the city of *London*, ſhall and may for ever hereafter remain, continue, and be, and preſcribe to be, a body corporate and politick, *in re, facto & nomine*, by the name of *mayor and commonalty and citizens of the city of* London, and by that name, and all and every other name and names of incorporation, by which they at any time before the ſaid judgment were incorporated, to ſue, plead, and be impleaded, and to anſwer and to be anſwered, without any ſeizure or forejudger of the ſaid franchiſe, liberty, and privilege, or being thereof excluded or ouſted, for or upon any pretence of any forfeiture or miſdemeanor at any time heretofore, or hereafter to be done, committed, or ſuffered; and the ſaid mayor and commonalty and citizens of the ſaid city, ſhall and may, as by law they ought, peaceably have and enjoy all and every their rights, gifts, charters, grants, liberties, privileges, franchiſes, cuſtoms, uſages, conſtitutions, preſcriptions, immunities, markets, duties, tolls, lands, tenements, eſtates, and hereditaments whatſoever, which they lawfully had, or had lawful right, title, or intereſt of, in, or to, at the time of the recording or giving the ſaid judgment, or at the time or times of the ſaid pretended forfeitures.

Their liberties regranted to them.

Grants ſince the judgment void.

IV. And be it enacted by the authority aforeſaid, That all charters, letters patents, and grants, for incorporating the citizens and commonalty, of the ſaid city, or any of them, and all charters, grants, letters patents, and commiſſions, touching or concerning any of their liberties or franchiſes, or the liberties, privileges, franchiſes, immunities, lands, tenements, and hereditaments, rights, titles, or eſtates of the mayor and commonalty and citizens of the city of *London*, made or granted to any perſon or perſons whatſoever, by the late King *Charles* the Second, ſince the ſaid judgment given, or by the late King *James*

James the Second, be and are hereby declared and adjudged null and void to all intents and purpoſes whatſoever.

Proceſs in the mayor's court, &c. good.

V. Provided nevertheleſs, That no recoveries, verdicts, judgments, ſtatutes, recognizances, inquiſitions, indictments, preſentments, informations, decrees, ſentences, executions, nor any plaints, proceſs, or proceedings in law or equity, had, made, given, taken, or done, or depending in the mayor's or either of the ſheriffs courts, or any other court within the ſaid city or liberties thereof, ſince the ſaid judgment given, ſhall be avoided for want or defect of any legal power in thoſe that acted as judges, juſtices, officers or miniſters of, in, or as belonging to any of the ſaid courts; but that all and every ſuch recoveries, verdicts, judgments, and other things above mentioned, and the actings, doings, and proceedings thereupon, ſhall be of ſuch and no other force, effect, and virtue, than as if ſuch judges, juſtices, officers, and miniſters had acted by virtue of legal authority; and that no perſon or perſons ſhall be in any wiſe proſecuted, ſued, impeached, or moleſted for any cauſe or thing by him or them lawfully acted or done, in purſuance of any ſuch charters, letters patents, grants, or commiſſions.

Perſons not qualified liable.

VI. Provided, That this act ſhall not extend to diſcharge any perſon or perſons from any penalty or penalties, or forfeitures by him or them incurred, for not duly qualifying him or themſelves to act upon the ſaid charters, letters patents, grants, or commiſſions.

Officers at the time of the judgment confirmed.

VII. And be it enacted by the authority aforeſaid, That all officers and miniſters of the ſaid city, that rightfully held any office or place in the ſaid city or liberties thereof, or in the borough of *Southwark*, at the time when the ſaid judgment was given, are hereby confirmed, and ſhall have and enjoy the ſame as fully as they held them at the time of the ſaid judgment given; except ſuch as have voluntarily ſurrendred any ſuch office or place, or have been removed for any juſt cauſe; and that every perſon who, ſince the ſaid judgment given, hath been choſen, admitted, and placed into any office or imployment within the ſaid city, upon the death, ſurrender, or removal as aforeſaid, of the former officer, ſhall be and is hereby confirmed in his ſaid office or imployment, and ſhall have and enjoy the ſame in as full and ample manner, as if he had been admitted or placed therein according to the ancient cuſtoms of the ſaid city.

Leaſes made ſince the judgment, good.

VIII. Provided alſo, and be it enacted by the authority aforeſaid, That all leaſes and grants of any of the lands, tenements, hereditaments, and other things, before the time of the ſaid judgment given, belonging to the ſaid mayor and commonalty and citizens, and uſually leaſed or granted by them, made ſince the time of the ſaid judgment given by the ſaid late King *Charles* the Second, or King *James* the Second, or by any perſon or perſons taking upon them to be truſtees for the ſaid city, for the preſervation or maintenance of the government or publick offices

of the ſaid city, by or upon pretence of any grant or commiſſion by their ſaid late Majeſties, King *Charles* the Second, and King *James* the Second, or either of them, ſuch grants and leaſes being made for juſt, good, and valuable conſiderations, and whereupon the old accuſtomed yearly rent, or more, hath been reſerved, payable into the chamber or bridge-houſe, or any of the hoſpitals of the ſaid city, ſhall be as good and valid for the terms, and under the rents, payments, proviſoes, conditions, covenants, and agreements therein reſpectively contained, againſt the mayor and commonalty and citizens of the ſaid city, and their ſucceſſors, as if the ſame had been made by the mayor and commonalty and citizens of the ſaid city, under their common ſeal, and the ſaid judgment had never been given, and not otherwiſe. And the ſaid mayor and commonalty and citizens, and their ſucceſſors, ſhall have the benefit and advantage of all rents, reſervations, payments, conditions, covenants, clauſes, and agreements in every ſuch grant or leaſe contained, and the like remedy for non-payment, breach, or non-obſervance thereof, as if the ſaid grants or leaſes had been made by the ſaid mayor and commonalty and citizens, and the ſaid rents, payments, conditions, covenants, clauſes, and agreements had been made payable, reſerved, covenanted, or agreed to and with the ſaid mayor and commonalty and citizens.

Judgments for the city good.

IX. And be it further enacted by the authority aforeſaid, That all judgments, decrees, and ſentences had or obtained by any perſon or perſons taking upon them to be truſtees as aforeſaid, for or concerning any lands, tenements, duties, tolls, and intereſts whatſoever, of or belonging to the ſaid mayor and commonalty and citizens of the ſaid city, ſhall ſtand and remain in force, and ſhall be proſecuted and executed by, and to and for the uſe of the ſaid mayor and commonalty and citizens, as if the ſame had been obtained in the name of the ſaid mayor and commonalty and citizens; and that all perſons being natural-born ſubjects or denizens, that have been admitted into the freedom of the ſaid city, ſince the ſaid judgment given, ſhall be free thereof, and have and enjoy the ſaid freedom to all intents and purpoſes, as if they had been thereunto admitted before the ſaid judgment given.

Freedoms good.

Mayor, &c. to continue till new election.

X. Provided always, That the preſent mayor, ſheriffs, chamberlain, and common council of the ſaid city, ſhall continue until a new election ſhall be made of ſuch officers, and the perſons elected ſworn into their reſpective offices, and that ſuch new election be made at the times hereafter mentioned; that is to ſay, the election of the mayor, and ſheriffs, and chamberlain, ſhall be made on the ſix and twentieth day of *May*, in the year one thouſand ſix hundred and ninety; and the election of the common council ſhall be made on the tenth day of *June*, in the year one thouſand ſix hundred and ninety; and ſuch perſons ſo elected ſhall continue till the uſual times of election of ſuch officers, according to the ancient uſage and cuſtom of the ſaid city, and from thence ſhall continue for the year enſuing.

XI. Pro-

XI. Provided nevertheleſs, and be it enacted, That if the mayor, ſheriffs, chamberlain, and common council, ſhall not be elected at the times hereby limited, the mayor, ſheriffs, chamberlain, and common council, which were in being at the time of the ſaid judgment given, ſhall be and continue in thoſe reſpective offices and places, till new elections be made of the like officers and common council, according to the ancient uſage and cuſtom of the ſaid city. Old mayor, &c. in, if no choice.

XII. And be it further enacted, That all perſons ſo to be reſtored and continued, ſhall be and are hereby required to take the oaths appointed by a certain act made in the firſt year of their Majeſties reign, intituled, *An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths*, the next term after ſuch reſtitution, under the penalties, forfeitures, diſabilities, and incapacities in the ſaid act provided and appointed. Perſons reſtored, &c. to take the new oaths. 1 W. & M. ſeſſ. 1. c. 8.

XIII. And be it enacted, That the mayor, ſheriffs, and chamberlain, ſo to be elected, ſhall be ſworn in uſual manner on or before the twentieth day of *June* next enſuing. Mayor, &c. ſworn as uſual.

XIV. And be it enacted by the authority aforeſaid, That all and every of the ſeveral companies and corporations of the ſaid city ſhall from henceforth ſtand and be incorporated by ſuch name and names, and in ſuch ſort and manner, as they reſpectively were at the time of the ſaid judgment given, and every of them are hereby reſtored to all and every the lands, tenements, hereditaments, rights, titles, eſtates, liberties, powers, privileges, precedencies, and immunities, which they lawfully had and enjoyed at the time of giving the ſaid judgment; and that as well all ſurrenders, as charters, letters patents, and grants for new incorporating any of the ſaid companies, or touching or concerning any of their liberties, privileges, or franchiſes, made or granted by the ſaid late King *James*, or by the ſaid King *Charles* the Second, ſince the giving of the ſaid judgment, ſhall be void, and are hereby declared null and void, to all intents and purpoſes whatſoever. Provided nevertheleſs, That no perſon or perſons ſhall be in any wiſe proſecuted, ſued, impeached, or moleſted for any cauſe or thing by him or them lawfully acted or done in purſuance of any ſuch charters, letters patents, or grants. Companies reſtored.

XV. Provided alſo nevertheleſs, and it is hereby further enacted by the authority aforeſaid, That all leaſes, terms, and eſtates made or granted by any of the ſaid companies ſince the giving of the ſaid judgment, for juſt and valuable conſiderations, and whereupon the old accuſtomed yearly rents, or more, are reſerved, ſhall ſtand, and be of the ſame force and effect, as if the ſame had been made or granted by the ſaid ſeveral companies as hereby reſtored; and the ſaid reſpective companies and their ſucceſſors ſhall have the benefit and advantage of all rents, reſervations, payments, conditions, covenants, clauſes, and agreements, in all and every ſuch leaſe or grant contained, and the like remedy therefore, as if the ſame grants and leaſes had been made by the ſaid reſpective companies as now reſtored, and Leaſes made ſince the judgment, good.

the ſaid rents, payments, conditions, covenants, clauſes, and agreements had been made payable, reſerved, covenanted, and agreed to or with them reſpectively.

Freedoms good.

XVI. Provided alſo, and be it enacted, That all and every perſon and perſons, who at any time ſince the ſaid judgment have been admitted into the freedoms, or into the liveries of the ſaid companies, according to the uſages and cuſtoms of the ſaid city, and their reſpective companies, ſhall be and enjoy all the rights and privileges of a freeman and of a liveryman, to all intents and purpoſes, as if they had been admitted before the ſaid judgment.

Publick act.

XVII. Provided always, and be it enacted by the authority aforeſaid, That this preſent act of parliament ſhall be accepted, taken, and reputed to be a general and publick act of parliament; of which all and every the judge and judges of this kingdom in all courts ſhall take notice on all occaſions whatſoever, as if it were a publick act of parliament relating to the whole kingdom; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

CAP. IX.

An act for the diſcouraging the importation of thrown ſilk.

WHEREAS *the importation of ſome ſorts of thrown ſilk into this realm is greatly prejudical to the exportation of the woolen manufactures thereof, and tends very much to the impoveriſhing great numbers of artificers, whoſe livelyhood and ſubſiſtance depends upon the throwing of raw ſilk, and if longer permitted, may endanger the ever-throwing of that art or myſtery in this nation: and whereas of late great quantities of thrown ſilk have been imported from ſeveral parts and places in* Europe, *which are not the places of its growth or production, and thereby the true intent and meaning of the act made in* 12 Car. 2. c. 18. *the twelfth year of King* Charles *the Second, intituled,* An act for the encouragement and increaſing of ſhipping and navigation, *is evaded:* for the prevention of which miſchiefs, and for the better encouraging the ſeveral manufactures of this kingdom, and of that uſeful and national trade into *Turkey*, and the better ſupporting the art of throwing ſilk in this realm, and the poor therein imployed:

Thrown ſilk no manufacture within 12 Car. 2. c. 18.

II. Be it declared and enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the throwing of ſilk is not, nor ought to be conſtrued, a manufacture within the intention of the ſaid act, for the encouraging and increaſing of ſhipping and navigation; and that no thrown ſilk of the growth or production of *Turkey*, *Perſia*, *Eaſt India*, or *China*, or of any other country or place (except only ſuch thrown ſilk, as is or ſhall be of the growth or production of *Italy*, *Sicily*, or of the kingdom of *Naples*, and which ſhall be imported in ſuch ſhips or veſſels, and navigated in ſuch manner, as in the ſaid act of navigation is directed or allowed, and brought from ſome of the ports

Thrown ſilk how to be imported.

ports of thoſe countries or places, whereof the ſame is of the growth or production, and which ſhall come directly by ſea, and not otherwiſe) ſhall at any time after the five and twentieth day of *May*, in the year of our Lord one thouſand ſix hundred and ninety, be brought or imported into the kingdom of *England*, dominion of *Wales*, the iſlands of *Jerſey* or *Guernſey*, or the town of *Berwick* upon *Tweed*; under the penalty and forfeiture of all ſuch thrown ſilk, ſo imported contrary to the purport, true intent, and meaning of this act: one moiety whereof ſhall be to the uſe of the King's and Queen's majeſties, their heirs and ſucceſſors, and the other moiety thereof to ſuch perſon or perſons as ſhall ſeize, inform, or ſue for the ſame, to be recovered by bill, plaint, information, or other action, in any of their Majeſties courts of record, wherein no eſſoin, protection, or wager of law ſhall be allowed. Penalty.

III. Provided nevertheleſs, That this act ſhall not extend to any thrown ſilk of the growth or production of *Italy*, *Sicily*, or kingdom of *Naples*, that ſhall be brought in, or imported into *England*, otherwiſe than by this act is directed, at or before the firſt day of *September*, one thouſand ſix hundred and ninety, and which ſhall be proved by the oath of the party, his ſervant or agent, to whom the ſame doth belong or appertain, to have been provided and bought by his and their order from *England*, in ſome part or place in *Italy*, *Sicily*, or the kingdom of *Naples*, at or before the firſt day of *June*, one thouſand ſix hundred and ninety; which ſaid oath the commiſſioners of the cuſtoms, or any two of them, for the time being, are hereby impowered to adminiſter. Thrown ſilk from Italy.

IV. Provided always, That no thrown ſilk, laden in *India*, *Perſia*, or *China*, to be imported into *England*, on or before the twentieth day of *September*, one thouſand ſix hundred ninety one, ſhall be liable to any forfeiture by virtue of this act; any thing to the contrary in any wiſe notwithſtanding. Thrown ſilk from India, &c. See 5 & 6 W. & M. c. 3.

CAP. X.

An act for the King's and Queen's moſt gracious, general, and free pardon.

SESSIO SECUNDA.

Anno Regni GULIELMI & MARIÆ *ſecundo.*

At the parliament held at Weſtminſter, *the twentieth day of* March, [a] 1690.

[a] *The former editions have it* December.

CAP. I. (11.)

An act for granting an aid to their Majeſties of the ſum of ſixteen hundred fifty one thouſand ſeven hundred and two pounds, eighteen ſhillings. EXP.

CAP. II. (12.)

An act concerning the commiſſioners of the admiralty.

WHEREAS *the office of lord high admiral of* England *hath at ſundry times, and for ſeveral years, been executed, and all the authorities to the ſame belonging exerciſed, by divers commiſſioners for that purpoſe appointed by their Majeſties and the late Kings, but of late ſome doubt hath riſen, whether certain authorities belonging to the ſaid office of lord high admiral did or do of right belong to, and might, may, or ought to have been or be exerciſed by ſuch commiſſioners for the time being: now for avoiding all ſuch doubts and queſtions,*

The power of admiral may be executed by commiſſioners.

II. Be it declared and enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and ſingular authorities, juriſdictions, and powers, which by any act of parliament or otherwiſe have been, and are lawfully veſted, ſettled, and placed in the lord high admiral of *England* for the time being, have always appertained to, and of right might have been, and may, and ſhall be had, enjoyed, uſed, exerciſed, and executed by the commiſſioners for executing the office of high admiral of *England* for the time being, according to their commiſſions, to all intents and purpoſes, as if the ſaid commiſſioners were lord high admiral of *England*.

This act gives no new power.

III. Provided, That nothing in this act contained ſhall extend, or be taken, or conſtrued to extend, to give or allow to the lord high admiral, or to the commiſſioners for executing the office of high admiral, any other authority, juriſdiction, or power, than the lord high admiral lawfully had, or might have had, uſed and exerciſed, if this act had not been made.

Officers tryers ſhall take an oath.

IV. Provided always, and be it enacted, That upon all tryals of offenders by courts martial to be held by virtue of any commiſſion to be granted by the lord high admiral, or the commiſſioners for executing the office of high admiral, every officer preſent ſhall before any proceeding to tryal, take an oath before the court (which oath the judge advocate, or his deputy for the time being, are hereby reſpectively authorized to adminiſter) in theſe words following;

The oath.

YOU *ſhall well and truly try and determine the matter now before you, between our ſovereign lord and lady the King and Queen's majeſties, and the priſoner to be tryed*;

So help you God.

This clauſe directing the oath to be taken by officers upon trials is repealed by 22 Geo. 2. c. 33.

CAP. III. (13.)

An act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year.

CAP.

CAP. IV. (14.)

An act for granting to their Majeſties certain impoſitions upon all East India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety.*

Moſt gracious Sovereigns,

THE commons aſſembled in parliament, for a further ſupply of your Majeſties preſent occaſions, in the neceſſary defence of your realms, the perfect reducing of *Ireland*, and the effectual proſecution of the war againſt *France*, have given and granted, and hereby give and grant unto your Majeſties the additional and other rates, impoſitions, duties, and charges upon the ſeveral ſorts of goods and merchandize to be imported into this your Majeſties kingdom, herein after expreſſed, during ſuch time, and in ſuch manner and form, as herein after followeth: and do humbly pray your Majeſties that it may be enacted; Impoſt. 1690. 6 Annæ, c. 9. ſ. 6. *Farther continued by* 8 Annæ, *and made perpetual by* 9 Annæ, c. 21. ſ. 1.

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That there ſhall be anſwered and paid to their Majeſties and their ſucceſſors, for the ſeveral goods and merchandizes hereafter mentioned, over and above all impoſitions, duties and charges already impoſed and payable upon and for the ſame, the further rates and duties following, *viz.*

III. For all callicoes, and all other *Indian* linen, and for all wrought ſilks, and other manufactures of *India* and *China* (except indigo) imported after the five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, twenty pounds for every hundred pounds value thereof. Callico *altered by* 4 & 5 W. & M. c. 5. ſ. 11.

IV. For all wrought ſilks imported within the time aforeſaid, from any other place, ten pounds for every hundred pounds value thereof.

V. For all raw ſilks imported within the time aforeſaid, from *China* or from the *Eaſt Indies*, five pounds for every hundred pounds value thereof.

VI. For all linen imported within the time aforeſaid, from any parts from whence the ſame may be by law imported (other than linen cloth of the manufacture of the *Spaniſh Netherlands*, or of the *United Provinces*, not exceeding an *Engliſh* ell and half quarter in breadth) one moiety over and above what is already impoſed upon the ſame in the book of rates. Linen *altered by* 4 & 5 W. & M. c. 5.

VII. And for all linen cloth of the manufacture of the *Spaniſh Netherlands*, or of the *United Provinces*, of the breadth of two ells or upwards, and under three ells, as much more as what the ſame is charged with in the book of rates, and of the breadth

of three ells or upwards, treble as much as what the ſame is charged with in the book of rates.

VIII. And for all deal timber, or other timber, boards, wainſcot, pipe ſtaves, box wood, and other wood imported within the time aforeſaid from any part of *Europe* (except *Ireland*) ten pounds for every hundred pound value thereof, above what is charged thereupon in the book of rates.

IX. For every ton of hempſeed oil, rape oil, and other ſeed oil, imported after the five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, eight pounds; and ſo in proportion for any greater or leſſer quantity of the reſpective goods and merchandize before mentioned.

X. For every hundred weight of hops, containing one hundred and twelve pounds, imported from foreign parts after the ſaid five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, twenty ſhillings, over and above what the ſame are charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

For reduction of theſe duties ſee 8 Geo. 1. c. 15. ſ. 15.

XI. For every hundred weight of pepper, containing one hundred and twelve pounds, imported after the ſaid five and twentieth day of *December*, and before the ſaid tenth day of *November*, one thouſand ſix hundred and ninety five, twenty eight ſhillings, over and above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity; one third part of the ſaid duty charged upon pepper to be paid down, and bond to be given for payment of the reſidue at the end of twelve months, or elſe to diſcount after the rate of ten pounds *per centum*, on paying down the whole duty.

Raiſins 100 *l. value after* 25 *March*. 1693, *to pay but* 5*l. by* 4 *and* 5 W. & M. c. 5. ſ. 10. *But new duties are added by* 8 *Anne*, c. 7. ſ. 6. 100 *l. value of currants, after* 25 *March*, 1693, *to pay but* 50*s. by* 4 & 5 W. & M. c. 5. ſ. 10.

XII. For every hundred pound value of grocery wares and druggs (other than pepper and liquorice, which are hereby particularly charged; and alſo except currants, ſugar, tobacco, mace, cinnamon, nutmegs, and cloves) imported after the ſaid five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, ten pounds.

XIII. And for every hundred pound value of currants imported within the time aforeſaid, five pounds, over and above what the ſame are reſpectively charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XIV. For every ton of iron wrought or unwrought, or caſt (except buſhel iron) imported from any foreign parts after the five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, in any other ſhip or veſſel than ſuch as are *Engliſh* built, and whereof the maſter and three fourths of the mariners at the leaſt are *Engliſh*, thirty three ſhillings.

XV. And for every ton of ſuch iron which ſhall be imported in ſuch *Engliſh* built ſhip or veſſel ſo navigated, three and twenty ſhillings, over and above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XVI. And

XVI. And for all ſorts of foreign iron wire (except card wire, and all ſorts of iron wire ſmaller than the ſorts commonly called or known by the names of *fine fine* and *ſuper fine*, and all wool cards, or any other wares made of iron wire) to be imported between the five and twentieth day of *December*, one thouſand ſix hundred and ninety, and the tenth day of *November*, one thouſand ſix hundred and ninety five, there ſhall be paid for every hundred weight, containing one hundred and twelve pounds, two and twenty ſhillings and ſix pence, and alſo the duty mentioned in the book of rates, to be paid by the importer, and ſo in proportion for any greater or leſſer quantity; which ſorts of iron wire (except as aforeſaid) it ſhall and may be lawful for any perſon or perſons whatſoever to import within the time aforeſaid, and no longer; any law, ſtatute, or uſage to the contrary notwithſtanding.

XVII. And for all ſorts of ſteel wire imported within the time aforeſaid, the ſum of fourteen ſhillings for every hundred weight, containing as aforeſaid, over and above the duty charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XVIII. And for every iron pot, and iron kettle, imported within the time aforeſaid, one ſhilling and three pence, over and above what is charged in the book of rates.

XIX. For every ſmall back for chimnies, imported within the time aforeſaid, one ſhilling and two pence, over and above what is charged in the book of rates.

XX. For every large back for chimnies, imported within the time aforeſaid, two ſhillings and four pence, over and above what is charged in the book of rates.

XXI. For every hundred weight of iron ſlit or hammered into rods, commonly known by the name of *rod iron*, containing one hundred and twelve pounds, imported within the time aforeſaid, five ſhillings, over and above what is charged in the book of rates; and ſo in proportion for a greater or leſſer quantity.

XXII. For every hundred weight of frying pans, containing as aforeſaid, imported within the time aforeſaid, four ſhillings, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XXIII. For every hundred weight of ſteel, containing one hundred and twelve pounds, imported within the time aforeſaid, five ſhilling and ſix pence, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XXIV. For every hundred weight of anvils wrought, containing one hundred and twelve pounds, imported within the time aforeſaid, nine ſhillings and three pence, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XXV. For every hundred of ſingle white or black plates imported within the time aforeſaid, four ſhillings and four pence, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XXVI. For every hundred of double white or black plates, imported within the time aforeſaid, eight ſhillings and eight

pence,

pence, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XXVII. For every harneſs plate, or iron double, imported within the time aforeſaid, one ſhilling and four pence, over and above what is charged in the book of rates.

XXVIII. For every hundred weight of iron drawn or hammered, leſs than three quarters of an inch ſquare, and all other iron ware manufactured, containing one hundred and twelve pounds, imported within the time aforeſaid, five ſhillings, over and above what is charged in the book of rates.

XXIX. Provided, That no manufactured iron or iron ware, which by this act is charged to pay by the piece or hundred weight, ſhall be liable to pay the duty of thirty three ſhillings, or twenty three ſhillings by the ton, impoſed by this act.

XXX. And for every hundred weight of braſs, latten, or copper wire, containing one hundred and twelve pounds, imported within the time aforeſaid, fifteen ſhillings, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XXXI. For every laſt of hemp ſeed, cole ſeed, and rape ſeed, imported after the ſaid five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, four pounds, above what the ſame is charged with in the book of rates.

XXXII. For all yarn of flax or hemp, other than cable yarn, imported after the ſaid five and twentieth day of *December*, one thouſand ſix hundred and ninety, and before the tenth day of *November*, one thouſand ſix hundred and ninety five, an additional duty of as much as what is now charged thereupon in the book of rates.

XXXIII. For every hundred weight of cable yarn, containing one hundred and twelve pounds, imported within the time aforeſaid, five ſhillings; and ſo in proportion for any greater or leſſer quantity of the ſaid ſeeds or yarn.

XXXIV. For all drinking glaſſes and other glaſs, and all manufactures of glaſs (except *Rheniſh* and *Muſcovia* window glaſs) imported within the time aforeſaid, three ſhillings for every twenty ſhillings value thereof, above what the ſame is charged with in the book of rates.

XXXV. For every hundred weight of moloſſes, containing one hundred and twelve pounds, imported within the time aforeſaid, from any other place than the *Engliſh* plantations in *America*, eight ſhillings, over and above what the ſame is charged with in the book of rates.

XXXVI. For every hundred weight of tallow, containing one hundred and twelve pounds, imported within the time aforeſaid, five ſhillings; and ſo in proportion for any greater or leſſer quantity.

XXXVII. For every hundred weight of tallow candles imported within the time aforeſaid, and containing one hundred and twelve pounds, ten ſhillings; and ſo in proportion for any greater or leſſer quantity.

XXXVIII. For every pound of bever wool cut and combed, imported within the time aforeſaid (except wool combed in *Ruſſia*,

Ruſſia, and imported from thence in *Engliſh* ſhips) fifteen ſhillings.

XXXIX. For every barrel of pot aſhes, containing two hundred weight neat, imported within the time aforeſaid, eight ſhillings, above what the ſame is charged with in the book of rates; and ſo proportionably for any greater or leſſer quantity.

XL. For every hundred weight of cordage ready wrought, containing one hundred and twelve pounds, imported within the time aforeſaid, five ſhillings, over and above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XLI. For every ton of olive oil imported within the time aforeſaid, four pounds, above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XLII. For all paper imported within the time aforeſaid, the ſeveral duties following, over and above what the ſame are reſpectively charged with in the book of rates (that is to ſay) for every ream of royal paper two ſhillings; for every ream of blue paper, demy paper, and painted paper, one ſhilling and ſix pence; for every bundle of brown paper two pence; and for all other paper ſo imported, as much more as what the ſame is now charged with in the book of rates.

XLIII. For every hundred weight of liquorice, containing one hundred and twelve pounds, imported within the time aforeſaid, eighteen ſhillings and eight pence, above what the ſame is charged with in the book of rates; and ſo proportionably for any greater or leſſer quantity.

XLIV. And for every ſuch hundred weight of liquorice powder imported within the time aforeſaid, one pound, ſeventeen ſhillings, and four pence.

XLV. And for every pound weight of juice of liquorice imported within the time aforeſaid, one ſhilling, and ſo proportionably for any greater or leſſer quantity.

XLVI. For every hundred weight of barilla or ſaphora, containing one hundred and twelve pounds, imported within the time aforeſaid, two ſhillings and ſix pence above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XLVII. For every hundred weight of ſope imported within the time aforeſaid, containing one hundred and twelve pounds, ten ſhillings, over and above what is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

XLVIII. For all earthen ware, not mentioned in the book of rates, imported within the time aforeſaid, two ſhillings and ſix pence for every twenty ſhillings value thereof.

XLIX. For every hundred weight of ſtarch, containing one hundred and twelve pounds, imported within the time aforeſaid, twenty ſhillings, above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

L. For every hundred weight of allom, containing one hundred and twelve pounds, imported within the time aforeſaid,

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two ſhillings and ſix pence, above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

LI. For every hundred weight of brimſtone, containing one hundred and twelve pounds, imported within the time aforeſaid, four ſhillings and eight pence, above what the ſame is charged with in the book of rates; and ſo in proportion for any greater or leſſer quantity.

LII. For every hundred weight of tin, imported within the time aforeſaid, containing one hundred and twelve pounds, thirty ſhillings, over and above what the ſame is charged in the book of rates; and ſo in proportion for any greater or leſſer quantity.

Value of goods not here mentioned how ſettled. *Repealed by* 11 Geo. 1. c. 7. *and other proviſions made relating hereto.*

LIII. Provided always, and be it enacted, That where any duties upon goods and merchandize herein before granted, are to be levied according to the value of the ſame, where ſuch goods or merchandizes are particularly rated in the book of rates, the value ſhall be underſtood and taken according to ſuch rate; and where they are not particularly rated, the value ſhall be taken by and according to the oath of the importer, and not otherwiſe; the duties impoſed by this act not to be reckoned into the value of the ſame.

12 months time for paying cuſtom or 10 per cent. for prompt payment.

LIV. And be it further enacted by the authority aforeſaid, That for all additional duties hereby impoſed upon the aforementioned goods and merchandize to be imported as aforeſaid, the importer, giving ſecurity at the cuſtom-houſe, ſhall have time, not exceeding twelve months (where the ſame is not otherwiſe hereby limited) for the payment of the ſame, from the importation, to be paid by four equal and quarterly payments; or in caſe ſuch importer ſhall pay ready money, he ſhall have after the rate of ten pounds *per cent.* for a year of the ſaid duty abated to him or her; and if the goods and merchandize to be imported as aforeſaid, for which the additional duty is paid or ſecured at the importation thereof, be again exported within twelve months after the importation, then the aforeſaid duties ſhall be wholly repaid, or the ſecurity vacated, as to what ſhall be ſo exported.

Cuſtom repaid or ſecurity vacated upon exportation. *Enlarged to* 3 *years by* 7 Geo. 1. ſtat. 1. c. 21. ſ. 10.

Foreign ſtores already ſold to the navy office, excepted.

LV. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That the new or additional duties, impoſed by this act, ſhall not extend to affect ſuch foreign ſtores as have been ſold to the uſe of their Majeſties navy, by contract with the navy board, or commiſſioners of the victualling, before the fifteenth day of *November*, one thouſand ſix hundred and ninety, ſo as a certificate be given from the commiſſioners of the navy or victualling, that ſuch foreign ſtores have been ſo contracted for by them for their Majeſties ſervice as aforeſaid, and ſo as the importer of the ſame do make oath before the commiſſioners appointed to manage the cuſtoms (which oath they are hereby impowered to adminiſter) of the truth of the ſaid contract, and that he will deliver the ſaid goods into their Majeſties ſtores, pur-

purſuant to the contract ſo certified by the commiſſioners of the navy or victualling.

LVI. And be it enacted, That the ſeveral impoſitions and duties above mentioned ſhall be raiſed, levied, collected, and paid unto their Majeſties and their ſucceſſors, during the times afore mentioned, in the ſame manner and form, with ſuch advantages, and by ſuch rules, means and ways, and under ſuch penalties and forfeitures, as are mentioned and expreſſed in one act of parliament made in the twelfth year of the reign of King *Charles* the Second, intituled, *A ſubſidy granted to the King of tunnage and poundage, and other ſums of money payable upon merchandize exported and imported*, and the rules and orders thereunto annexed; which ſaid act, and every article, rule, and clauſe therein contained, ſhall ſtand and be in force for the purpoſes aforeſaid, during the continuance of this act. Duties how to be levied. 12 Car. 2. c. 4.

LVII. Provided always, and it is hereby enacted, That it ſhall and may be lawful to and for any perſon and perſons to advance and lend unto their Majeſties, upon the ſecurity of this act, any ſum or ſums of money, and to have and receive for the forbearance thereof any ſum not exceeding eight pounds, by the hundred for one whole year, and no more, directly or indirectly. Clauſe of credit, at 8 per cent.

LVIII. And to the end that all monies, which ſhall be lent unto their Majeſties upon the credit of this act, may be well and ſufficiently ſecured out of the monies ariſing and payable by this act; be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties exchequer (that is to ſay) in the office of the auditor of the receipts, one book or regiſter, in which all monies that ſhall be paid into the exchequer by virtue of this act, ſhall be entred and regiſtred apart and diſtinct from all other monies paid or payable to their Majeſties upon any other branch of their Majeſties revenue, or upon any other account whatſoever; and that all and every perſon and perſons, who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the exchequer, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his repayment, bearing the ſame date with his talley; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance after the rate ſo to be allowed for the ſame, ſo as ſuch intereſt do not exceed the rate of eight pounds *per cent. per ann.* for his conſideration, to be paid every three months, until repayment of his principal; and that all orders for repayment of money ſhall be regiſtred in courſe, according to the date of the talley reſpectively, without preference of one before another; and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand entred in the ſaid regiſter book, ſo as that the perſon, native or foreigner, his executors, adminiſtrators, and aſſigns, who ſhall have his order or orders firſt entred in the ſaid book of regiſter, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act; and he An office for receipt of theſe duties to be in London, and duties paid to receiver general of cuſtoms, and kept apart, and paid weekly into the exchequer. 2 W. & M. ſeſſ. 2. c. 10. Regiſter to be kept in the exchequer; talley, order, and payment in courſe.

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or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively, and in courſe; and that the monies to come in by this act ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators, or aſſigns ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majeſties ſubjects for providing or making of any ſuch books, regiſters, entries, view or ſearch in or for payment of money lent, or the intereſt, as aforeſaid, by any of their Majeſties officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo. And if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages, and coſts, to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after uncapable of his place or office; and in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid. All which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

LIX. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day.

LX. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay ſubſequent orders of perſons that come and demand their money, and bring their orders, before other perſons that did not come to demand their money, and bring their orders in their courſe, ſo as there be ſo much money reſerved as will ſatisfy

ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.

Orders for money how transferrable.

LXI. And be it further enacted by the authority aforeſaid, That every perſon or perſons to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter aforeſaid for payment thereof, his executors, adminiſtrators, or aſſigns by indorſement of his order, may aſſign and transfer his right, title, intereſt, and benefit of ſuch order, or any part thereof, to any other; which being notified in the office of the auditor of receipt aforeſaid, and an entry or memorial thereof alſo made in the book of regiſter aforeſaid for orders (which the officers ſhall, upon requeſt, without fee or charge accordingly make) ſhall entitle ſuch aſſignee, his executors, adminiſtrators, and aſſigns, to the benefit thereof, and payment thereon; and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons, who have or hath made ſuch aſſignments, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof.

Made perpetual. 9 Ann. c. 21. 3 Geo. 1. c. 9. *and part of the* South Sea fund.

CAP. V. (15.)

An act for the continuance of ſeveral former acts therein mentioned, for the laying ſeveral duties upon wines, vinegar, and tobacco.

Moſt Gracious Sovereigns,

WE your Majeſties moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, taking into our ſerious conſideration the great and neceſſary expences in which your Majeſties are ingaged for our defence and ſafety, have cheerfully and unanimouſly given and granted unto your Majeſties the impoſitions and duties hereafter mentioned, for and during the term hereafter expreſſed; and we do moſt humbly beſeech your Majeſties that it may be enacted.

Duties upon wine and vinegar continued till June, 1696. 1 Jac. 2. c. 3.

II. And be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſeveral impoſitions and duties upon wines and vinegar, granted by an act made in the firſt year of the late King *James*, intituled, *An act for granting his Majeſty an impoſition upon all wines and vinegar, imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety and three*, ſhall be continued from the three and twentieth day of *June*, in the ſaid year one thouſand ſix hundred ninety-three, and ſhall be raiſed, levied, collected, anſwered and paid unto their Majeſties and their ſucceſſors, until the four and twentieth day of *June*, one thouſand ſix hundred and ninety-ſix, and no longer: and that the ſaid act, and all powers, proviſions, penalties, articles, and clauſes therein con-

contained, ſhall continue and be of full force and effect, until the ſaid four and twentieth day of *June*, one thouſand ſix hundred and ninety-ſix, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, according to the tenor and intent of this preſent act.

Duty upon tobacco and ſugar continued till June, 1696. 1 Jac. 2. c. 4.

III. And be it further enacted by the authority aforeſaid, That the rates and duties for all ſorts of tobacco granted by an act made in the firſt year of the reign of the late King *James*, intituled, *An act for granting to his Majeſty an impoſition upon all tobacco and ſugar, imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty-five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety three*, ſhall be continued from the three and twentieth day of *June*, in the ſaid year one thouſand ſix hundred and ninety three, and ſhall be raiſed, levied, collected, anſwered, and paid unto their Majeſties and their ſucceſſors, until the four and twentieth day of *June*, one thouſand ſix hundred and ninety ſix, and no longer; and that the ſaid laſt mentioned act, as for and concerning tobacco only, and all powers, proviſions, penalties, articles, and clauſes therein contained, concerning the ſaid rates and duties upon all ſorts of tobacco, ſhall continue and be of full force and effect, until the ſaid four and twentieth day of *June*, one thouſand ſix hundred and ninety ſix, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying the ſaid duties upon tobacco hereby continued, according to the tenor and intent of this preſent act.

Made part of the South Sea fund. 9 Ann. c. 21. 3 Geo. 1. c. 9

Not to extend to 1 W. & M. ſeſſ. 1. c. 34.

IV. Provided nevertheleſs, That this act, nor any thing therein contained, ſhall not extend, or be conſtrued or taken to repeal or alter an act made in the firſt year of their Majeſties reign, intituled, *An act for prohibiting all trade and commerce with* France, or any part of the ſame.

Credit of loan at 8 per cent.

V. Provided always, and it is hereby enacted, That it ſhall and may be lawful to and for any perſon or perſons to advance and lend unto their Majeſties, as well upon the ſecurity of this act, as upon the ſecurity of the ſaid two former acts made in the reign of the late King *James* (from and after the ſum of ſix hundred thouſand pounds, mentioned in an act made in the firſt year of their Majeſties reign, intituled, *An act for appropriating certain duties for paying the* States General *of the* United Provinces *their charges for his Majeſty's expedition into this kingdom, and for other uſes*, ſhall be fully ſatisfied and paid to the ſaid *States General*) any ſum or ſums of money, and to have and receive for the forbearance thereof any ſum not exceeding eight pounds by the hundred for one whole year, and no more, directly or indirectly.

1 W. & M. ſeſſ. 1. c. 28.

Regiſter, tally, order and payment in courſe.

VI. And to the end that all monies which ſhall be lent unto their Majeſties upon the credit of this act, may be well and ſufficiently ſecured out of the monies ariſing and payable by this act, be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties exchequer,

(that is to ſay) in the office of the auditor of the receipts, one book or regiſter, in which all monies that ſhall be paid into the exchequer by virtue of this act, ſhall be entred and regiſtred apart and diſtinct from all other monies paid or payable to their Majeſties upon any other branch of their Majeſties revenue, or upon any other account whatſoever; and that all and every perſon and perſons, who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the exchequer, ſhall immediately have a tally of loan ſtruck for the ſame, and an order for his repayment, bearing the ſame date with his tally; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance after the rate, ſo to be allowed for the ſame, ſo as ſuch intereſt do not exceed the rate of eight pounds *per centum per annum*, for his conſideration, to be paid every three months, until repayment of his principal: and that all orders for repayment of money ſhall be regiſtred in courſe according to the date of the tally reſpectively, without preference of one before another; and that all and every perſon and perſons ſhall be paid in courſe according as their orders ſhall ſtand entred in the ſaid regiſter-book, ſo as that the perſon, native or foreigner, his executors, adminiſtrators and aſſigns, who ſhall have his order or orders firſt entred in the ſaid book of regiſter, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act; and he or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the monies to come in by this act ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators or aſſigns ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent or purpoſe whatſoever; and that no fee, reward, or gratuity directly or indirectly be demanded or taken of any of their Majeſties ſubjects for providing or making of any ſuch books, regiſters, entries, view or ſearch in or for payment of money lent or the intereſt as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages and coſts to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages and coſts, and ſhall be for ever after uncapable of his place or office; and in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment according to each perſon's due place

An office for receipt of thoſe duties to be in London, and paid by receiver general of cuſtoms and kept apart, and paid weekly into the exchequer. 2 W. & M. ſeſſ. 2. c. 10.

and order, as aforeſaid, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages and coſts, in ſuch manner as aforeſaid; all which ſaid penalties, forfeitures, damages and coſts, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction or order of reſtraint, ſhall be in any wiſe granted or allowed.

VII. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment, as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day.

VIII. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their money, and bring their order before other perſons that did not come to demand their money, and bring their order in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them, intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.

Money how aſſignable.

IX. And be it farther enacted by the authority aforeſaid, That every perſon or perſons to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter aforeſaid for payment thereof, his executors, adminiſtrators or aſſigns, by indorſement of his order, may aſſign and transfer his right, title, intereſt and benefit of ſuch order, or any part thereof to any other; which being notified in the office of the auditor of the receipt aforeſaid, and an entry or memorial thereof alſo made in the book of regiſter aforeſaid for orders, (which the officers ſhall upon requeſt without fee or charge accordingly make) ſhall entitle ſuch aſſignee, his executors, adminiſtrators and aſſigns to the benefit thereof and payment thereon; and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*, and afterwards it ſhall not be in the power of ſuch perſon or perſons who have or hath made ſuch aſſignments, to make void, releaſe or diſcharge the ſame, or any the monies thereby due or any part thereof.

Wages due to King *Charles* the Second's ſervants ſaved.

X. Provided, That nothing in this act ſhall extend or be conſtrued to defeat or obſtruct the proviſion made by the ſaid act in the firſt year of their majeſties reign, for payment of wages due to the ſervants of the late King *Charles* the Second, not exceeding in the whole the ſum of ſixty thouſand pounds, in ſuch manner as by the ſaid act is directed.

CAP.

CAP. VI. (16.)

An act for puniſhing officers and ſoldiers who ſhall mutiny or deſert their Majeſties ſervice, and for puniſhing falſe muſters. EXP.

CAP. VII. (17.)

An act for reviving a former act for regulating the meaſures and prices of coals.

WHEREAS *an act was made in the ſixteenth and ſeventeenth years of the reign of the late King* Charles *the Second, intituled,* An act for regulating the meaſures and prices of coals, *which act was to continue for three years thence next following, and thenceforth to the end of the next ſeſſion of parliament, and no longer, and is expired: and whereas the ſaid act was found to be very uſeful and beneficial to this kingdom:* 16&17Car.2. c.2.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act, and every clauſe, article, and branch therein contained, ſhall be, and is, and are hereby revived and continued in full force, ſtrength, and virtue, to all intents and purpoſes whatſoever, and ſhall ſo ſtand and continue from the firſt day of *December*, one thouſand ſix hundred and ninety, for the ſpace of ſeven years, and from thence to the end of the firſt ſeſſion of parliament then next following, and no longer. Revived for ſeven years.

III. And whereas by an act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for encouraging and encreaſing of ſhipping and navigation*, it is among other things provided, That no goods or merchandizes ſhall be loaden and carried from one part of *England* to another, in any ſhip or veſſel whatſoever, whereof three fourths of the mariners at leaſt ſhall not be *Engliſh*, under the penalty of forfeiting all ſuch goods as ſhall be loaden or carried in any ſuch ſhip or veſſel, together with the ſhip or veſſel, and all her guns, ammunition, tackle, furniture and apparel. Now foraſmuch as the high price of coals ariſes chiefly from the want of ſeamen to ſupply that navigation, while ſo many are employed in their Majeſties ſervice, be it enacted by the authority aforeſaid, That ſo much only of this laſt mentioned act as concerns the number and proportion of foreign ſeamen thereby limited to ſail in *Engliſh* ſhips ſhall be diſpenſed with, and is hereby thus far diſpenſed with, ſo as it ſhall and may be lawful for the owner or owners of any ſhip or veſſel, *Engliſh* built, and belonging to the ſubjects of *England*, whereof the maſter is an *Engliſhman* trading with coals to and from *Newcaſtle*, or the parts adjacent, or any part of *Wales*, to the port of *London*, or to any other part of *England*, to navigate the ſaid ſhip or veſſel with as many foreign ſeamen as the ſaid maſter or owners ſhall think fit, during the preſent war with *France*, and no longer; any thing in the ſaid act contained to the contrary notwithſtanding. 12Car.2.c.18. ſ.6. Coal ſhips may be navigated by foreigners during the war.

CAP. VIII. (18.)

An act for paving and cleanſing the ſtreets in the cities of London *and* Weſtminſter, *and ſuburbs and liberties thereof, and out pariſhes in the county of* Middleſex, *and in the borough of* Southwark, *and other places within the weekly bills of mortality, in the county of* Surrey, *and for regulating the markets therein mentioned.*

13&14 Car. 2. c. 2.

WHEREAS *an act was made at a parliament held at* Weſtminſter, *in the thirteenth and fourteenth years of the reign of his late Majeſty King* Charles *the Second, for the repairing the highways and ſewers, and for paving and keeping clean the ſtreets in and about the cities of* London *and* Weſtminſter, *wherein (amongſt other things) many neceſſary and wholeſome proviſions were made for the cleanſing and paving the ſaid ſtreets, and other pariſhes and places compriſed within the weekly bills of mortality; which ſaid act being ſince expired, many perſons in the out pariſhes in* Middleſex, *and other pariſhes in the limits aforeſaid, which have been choſen to ſerve the office of ſcavenger, refuſe to take the execution of the ſaid office upon them; and others, who have been rated and aſſeſſed towards the cleanſing and carrying away the dirt and ſoil out of the ſtreets, have refuſed to pay the rates aſſeſſed upon them, there being no law in force to compel them thereunto, ſo that no perſon can be imployed to be raker, to carry the dirt out of the ſaid ſtreets, for want of ſome proviſion for payment for doing that ſervice; and the poorer ſort of people daily throw into the ſaid ſtreets all the dirt, filth, and coal aſhes made in their houſes; by reaſon whereof the ſaid ſtreets are become extremely dirty and filthy, ſo that their Majeſties ſubjects cannot conveniently paſs through the ſame about their lawful occaſions, and many other inconveniencies daily ariſe for want of the like proviſions in other caſes relating to the ſtreets, pavements, and common ways*; may it therefore pleaſe your moſt excellent Majeſties that it may be enacted:

Inhabitants in Middleſex, &c. to ſweep the ſtreets twice a week.

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the fifteenth day of *December*, one thouſand ſix hundred and ninety, all and every perſon and perſons inhabiting in the ſaid pariſhes of *Middleſex* and *Weſtminſter*, and the liberties thereof, and in the borough of *Southwark*, or in any of the ſaid ſtreets, lanes, or alleys, comprized within the weekly bills of mortality, and the town of *Kenſington*, ſhall twice in every week (that is to ſay, on every *Wedneſday* and *Saturday* at the leaſt) ſweep and cleanſe, or cauſe to be ſwept and cleanſed, all the ſtreets, lanes, alleys, and publick places, before their reſpective houſes, buildings, and walls, and the buildings and walls of churches, and other publick places, to the end the dirt and ſoil in the ſaid ſtreets may be ready for the ſcavenger, raker, or

or other officer appointed for that purpoſe, to carry away, upon pain to forfeit three ſhillings and four pence for every offence or neglect reſpectively; and that no perſon or perſons whatſoever ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any ſeacoal aſhes, duſt, dirt, rubbiſh, dung, or other filth or annoyance in any open ſtreet, lane, or alley, within the ſaid city or places aforeſaid, before his, her, or their own dwelling-houſes, ſtables, buildings, or walls, or the buildings and walls of churches, church-yards, and other publick places, on the penalty of five ſhillings; and no perſon or perſons ſhall lay any aſhes, dirt, or ſoil, before the houſes, buildings, or walls of any perſon or perſons, inhabitants of the city, pariſhes, or places aforeſaid, or before or againſt any church, church-yard wall, or any of their Majeſties buildings, palaces, or places whatſoever; or ſhall caſt, lay, or throw, or cauſe to be caſt, laid, or thrown into any common or publick ſink, vault, water-courſe, or common ſewer, or highway, within any of the pariſhes or places aforeſaid, or any other private vault or ſink of any of the inhabitants aforeſaid, any aſhes, dirt, filth, ordure, or any other noiſome thing whatſoever; but ſhall keep, or cauſe the ſame to be kept in their reſpective houſes, yards, or backſides, or the yards or backſides of churches, and other publick buildings, until ſuch time as the raker, ſcavenger, or other officer thereto appointed of the ſaid ward, pariſh, ſtreet, or place where they dwell, or ſuch churches or buildings, as do come by or near their houſes, doors, or places, with his cart, barrow, or other thing or things uſed for the cleanſing the ſtreets, and carrying away thereof, and then ſhall carry, or cauſe to be carried, the ſaid aſhes, dirt, dung, or other ſuch filth or annoyance aforeſaid, out of their houſes, yards, and backſides, and deliver it unto the raker, ſcavenger, or other officer, or otherwiſe to put the ſame into his cart, barrow, or other thing as aforeſaid, upon pain to forfeit the ſum of twenty ſhillings for every ſuch offence.

Penalty.

No perſon to caſt any aſhes, &c. into the ſtreet.

Enlarged by 8 & 9 W. 3. c. 37. ſ. 1.

But ſhall deliver the aſhes, &c. to the ſcavenger.

Penalty.

III. And be it further enacted by the authority aforeſaid, That the reſpective churchwardens, and the houſe-keepers and other keepers of *Whitehall*, *Somerſet-houſe*, *Saint James's-houſe*, and *Saint James's-park*, and the guard houſes and ſtables near it, and other their Majeſties houſes; and the uſhers, porters, or keepers of courts of juſtice, and all other publick or other houſes and places reſpectively, ſhall be liable to and ſuffer the like penalties, forfeitures, and puniſhments for every the before mentioned offences or neglects done, committed or ſuffered to be done before any church or church-yard, or before any of their Majeſties houſes, buildings, or walls, or before any houſes, buildings, or walls, or before any publick buildings, houſes, or places whatſoever.

Churchwardens, &c. liable.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid fifteenth day of *December*, no perſon or perſons ſhall hoop, waſh, or cleanſe any pipes, barrels, or other caſks or veſſels in any of the ſtreets, lanes, or open

Hooping barrels, &c.

paſſages aforeſaid; nor ſhall ſet out any dung, ſoil, rubbiſh, or empty coaches to make or mend, or rough timber or ſtones to be ſawn or wrought, in the ſtreets, on the penalty of twenty ſhillings for every offence.

Penalty.

Scavengers to carry away all dirt, &c.

V. And be it further enacted by the authority aforeſaid, That the rakers, ſcavengers, or other officers thereunto appointed, every day in the week, except *Sundays* and other holy-days, ſhall bring or cauſe to be brought, carts, dung-pots, and other fitting carriages, into all their reſpective pariſhes, limits, precincts, ſtreets, charges, and diviſions, where ſuch carts and carriages can paſs, and at or before their approach, by a bell, horn, or clapper, or otherwiſe, ſhall make diſtinct and loud noiſe, and give notice to the inhabitants thereof of their coming, and make the like noiſe, and give the like notice in every court, alley, or place, unto which the ſaid carts cannot paſs, and abide and ſtay there a convenient time, in ſuch ſort that all perſons concerned may bring forth their reſpective duſt, dirt, aſhes, filth, and ſoil, to the reſpective carts and carriages ſo ſtaying as aforeſaid; all which the ſaid rakers, ſcavengers, or other officers aforeſaid, ſhall daily carry, or cauſe to be carried away, upon pain to forfeit forty ſhillings for every ſuch offence or neglect reſpectively.

Penalty.

Paved ſtreets to be kept in repair.

VI. And be it further enacted by the authority aforeſaid, That all open ſtreets, lanes, and alleys, which now are paved, within any of the pariſhes or places aforeſaid, ſhall be from time to time repaired, amended, and paved, at the coſts and charges of the houſeholders inhabitants in any ſuch ſtreets and lanes, reſpectively; and where any houſes ſhall be empty and unoccupied in any ſuch ſtreets and lanes, then to be paved and repaired at the charge of the owners or proprietors thereof in manner following (that is to ſay) every of the ſaid houſholders, owners, or proprietors of houſes, to repair, pave, and keep repaired, amended, and paved, the ſtreets, lanes, or alleys before his houſe, ſtables, or out-houſes, ſo far as his houſing, walls, or buildings extend, unto the denter-ſtone, channel, or middle of the ſame ſtreet, lane or alley; upon pain to forfeit twenty ſhillings for every perch or rod, and after that rate for a greater or leſſer quantity for every default, and of twenty ſhillings a week for every week after, until the ſame ſhall be ſufficiently paved and amended.

Juſtice of peace may order new ſtreets, &c. to be paved.

VII. *And whereas there are in the pariſhes aforeſaid many new ſtreets and ways made, which are fit and convenient to be paved with ſtones, but for want of good order therein, are almoſt unpaſſable to paſſengers*; be it enacted by the authority aforeſaid, That it ſhall and may be lawful for any one or more juſtice or juſtices of the peace of the place or diviſion where any new ſtreets or ways are or ſhall be made, from time to time to view and inſpect the ſame; and if upon ſuch view they ſhall judge them fit to be paved or otherwiſe amended, to certify the ſame under their hands to the juſtices of the peace, at the next reſpective general quarter ſeſſions of the peace where ſuch ſtreets or ways are or ſhall be made,

made, who are hereby reſpectively thereupon authorized and required to take ſuch order for the paving or otherwiſe amending the ſame, as they ſhall think fit. And all and every perſon and perſons, owners and inhabitants of all and every the houſes new built, or hereafter to be built, or adjoining to any new ſtreets or ways adjudged to be paved or amended, ſhall, and are hereby required, according to their ſeveral and reſpective intereſts therein, by order of ſuch juſtices at their ſeſſion, and by a time in ſuch order limited, pave with ſtone or gravel, or otherwiſe amend, all the ground that doth or ſhall lie in front before every dwelling-houſe or other buildings in ſuch ſtreets and ways, extended to the middle of the way that doth or ſhall lie before the ſame: and every perſon offending herein, or that ſhall not from time to time repair and amend his or her proportion of the pavements in ſuch ſtreets and ways where they ſhall be paved, ſhall forfeit forty ſhillings for every ſuch offence or default for every perch, and after that rate for a greater or leſſer quantity, and the like ſum for every week, till the ſame be paved, or amended and repaired, and when paved or amended, the like ſum as thoſe that ſhall not pave and repair open ſtreets, lanes, and alleys, now paved by virtue of this act. Penalty.

VIII. Provided always, That ſuch ancient ſtreets, lanes, and alleys within the ſaid places, or any of them, as by cuſtom and uſage have been repaired and paved by any other order, or in any other manner, ſhall be hereafter repaired, paved, and maintained in ſuch ſort and manner, and by ſuch perſon and perſons as have heretofore uſed to repair, pave, and maintain the ſame, under the penalties aforeſaid; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding. Streets paved as formerly.

IX. And for the better raiſing and levying of monies to defray the charges, and pay the wages of the ſaid ſcavengers, rakers, and other officers employed in cleanſing of the ſtreets, and other places aforeſaid, and carrying away the ſaid aſhes, dirt, filth, and ſoil; be it further enacted by the authority aforeſaid, That within the pariſhes of Saint *Anne* and Saint *James*, within the liberty of *Weſtminſter*, the ſcavengers, rakers, and ſuch like officers, ſhall be choſen as by the ſaid reſpective acts is directed and appointed: and the rates, taxes, and aſſeſſments for ſcavengers, rakers, and ſuch like officers wages for cleanſing the ſtreets, ſhall be rated, taxed, and aſſeſſed, raiſed, and paid by the pariſhioners and inhabitants of thoſe reſpective pariſhes, according to the cuſtom and uſage of the ſaid city, where it is not otherwiſe in the ſaid acts provided and enacted: and the receivers of all ſuch monies ſhall be accountable in ſuch manner as they now are by the ſaid acts, or otherwiſe by the law in caſe there is no proviſion for the ſame thereby appointed: and all new meſſuages, tenements, and houſes, now, or at any time hereafter built and erected within the limits and pariſhes aforeſaid, ſhall be likewiſe rated, taxed, and aſſeſſed, and ſhall pay proportionable with others. And in all other Charges of cleanſing how raiſed. 1 Salk. 356.

Election of ſcavengers; and puniſhment of refuſers.

places and pariſhes aforeſaid, upon every *Monday* or *Tueſday* in *Eaſter Week*, the conſtables, churchwardens, and overſeers of the poor, and ſurveyors of the highways of every of the ſaid pariſhes and places reſpectively, or the greater number of them, giving notice unto, or calling together, ſuch other ancient inhabitants of their reſpective pariſhes, as according to the cuſtom of the ſaid pariſhes or places are uſually preſent at the election of pariſh officers, they, or the greater number of them preſent, ſhall make choice of, and ſhall nominate and appoint, two or more able perſons, that are tradeſmen of their pariſh, to be ſcavengers for the ſtreets, lanes, and alleys, and other open paſſages of each ward and diviſion within their ſaid pariſh for the year then next enſuing, and until others be choſen and ſettled in their places; which perſon ſo choſen, and being approved and confirmed under the hand of any two juſtices of the peace within their reſpective limits and juriſdictions, ſhall within ſeven days after their election and confirmation, and notice thereof, take that office and duty upon them, upon pain to forfeit ten pounds for every refuſer reſpectively; and in caſe of refuſal by any perſon or perſons ſo choſen and confirmed, then other able perſons ſhall be choſen and confirmed in manner aforeſaid, within ſeven days after ſuch refuſal, in the place of him or them which ſhall ſo refuſe; and the perſon or perſons ſo choſen and confirmed, and having notice thereof, ſhall undergo the like pain of ten pounds in caſe of refuſal, or not taking upon him or them the ſaid office or duty within ſeven days after he or they ſhall be choſen and confirmed, and have notice thereof, as aforeſaid. The ſaid penalties to be paid to the ſurveyors of the highways of the place, and diſpoſed of and employed by them for and towards the mending and repairing of the highways and ſtreets of the ſame pariſh, ward, or diviſion, and to be levied by diſtreſs and ſale of the goods and chattels of the offenders, by warrant under the hand and ſeal of any one juſtice of peace of any of the places aforeſaid, to be directed to the conſtables or other officers of the ſame pariſh, or any two or more of them, rendring the overplus to the party (reaſonable charges for the diſtreſs only to be deducted) and in default of diſtreſs or non-payment within ſix days after demand thereof, or notice left in writing at the houſe or dwelling-place of the offender, by the ſaid conſtables or officers reſpectively, the ſaid offender to be committed to the common gaol of the ſaid county, city, or place reſpectively, by the warrant of any ſuch juſtice under his hand and ſeal, there to remain without bail or mainprize, until payment be thereof made as aforeſaid; and ſo in like manner for every perſon or perſons neglecting or refuſing the ſame.

Inhabitants may make a pound rate.

X. And be it further enacted by the authority aforeſaid, That within twenty days after the election and confirmation of the ſaid ſcavengers as aforeſaid, the conſtables, churchwardens, and overſeers of the poor, and ſurveyors of the high-

highways of the pariſhes and places aforeſaid reſpectively, or the greater number of them, giving notice unto, or calling together, ſuch inhabitants of their reſpective pariſhes as aforeſaid, they, or the greater number of them then preſent, ſhall make and ſettle a tax, rate, or aſſeſſment, according to a pound rate, to be impoſed or ſet upon the inhabitants of every reſpective pariſh, ward, or diviſion, for the year following, for the purpoſes aforeſaid; which being allowed and confirmed by any two of the juſtices of the peace of the places aforeſaid reſpectively (which they are hereby authorized and required, as far as the ſame ſhall be equal and reaſonable, to allow) ſhall be quarterly paid by every reſpective inhabitant, upon demand made thereof by the ſcavengers or officers appointed to gather and collect the ſame; and in caſe of a refuſal or neglect ſhall by warrant under the hands and ſeals of any two juſtices of the peace of the diviſion, pariſh, or place, be levied by diſtreſs and ſale of the offender's goods, and for want of diſtreſs, by impriſonment of the offender (he not being a peer of this realm) until payment as aforeſaid.

Penalty for non-payment.

XI. Provided always, and be it enacted, That ſuch ſums of money as ſhall be yearly aſſeſſed and collected in the ſaid pariſhes for cleanſing the ſtreets, ſhall be yearly accounted for by the ſcavenger for the time being, which collected the ſame, to two or more of the next juſtices of the peace for the place, reſiding in or near to the reſpective places for which ſuch ſcavengers were appointed, within eight and twenty days after the election of new ſcavengers for the enſuing year; and ſuch ſum or ſums as ſhall be remaining in their hands, ſhall be by them paid over to the next ſucceeding ſcavengers elected for ſuch pariſh; and any two ſuch juſtices of the peace, as aforeſaid, ſhall and may by virtue hereof commit to priſon every one of the ſaid ſcavengers which ſhall refuſe to account, there to remain without bail or mainprize, until he have made a true account, and ſatisfied and paid ſo much as upon the ſaid account ſhall be remaining in his hands.

Scavenger muſt account and pay the overplus.

Penalty.

XII. Provided always, That the reſpective ſcavengers and rakers for any of the pariſhes aforeſaid ſhall have liberty, by the approbation and order of the juſtices at their petit ſeſſions, or any two or more of them, to lodge their dirt, duſt, aſhes, or other filth, in ſuch vacant and publick places in or near the ſtreets or highways, as ſhall be thought convenient by the ſaid juſtices, for the accommodation of the country carts returning empty from the ſaid pariſhes, they giving ſatisfaction to the owners and occupiers of ſuch vacant places; and in caſe of unreaſonable demands, ſuch juſtices in their petit ſeſſions ſhall hear, moderate, and determine the ſame according to equity and good conſcience. And in caſe any perſon ſhall find him, her, or themſelves aggrieved with any rate, tax, or aſſeſſment made by virtue of this act, or any ways prejudiced by any determination of the ſaid juſtices in their petit ſeſſions, he or they ſo grieved or prejudiced ſhall and may have recourſe, in all ſuch caſes,

Where the ſcavenger muſt lay his dirt, &c.

Appeal to quarter ſeſſions.

caſes, to the juſtices of the peace aſſembled at the general quarter ſeſſions of the peace to be held for the place wherein the matter of grievance doth ariſe, to ſet forth his, her, or their caſe, by petition or otherwiſe; and the ſaid juſtices in ſuch their quarter ſeſſions are hereby impowered to hear and determine all matters to them complained of, concerning the ſame reſpectively, and their determination and order therein ſhall be final, without any appeal to any other court whatſoever.

Aſſeſſment how made for the highways.

XIII. *And whereas there are many common highways within the ſaid pariſhes, which cannot be ſufficiently amended, repaired, and ſupported, by means of the laws now in force, without the help of this preſent act*; be it enacted, That for the better amending and repairing the ſame, one or more aſſeſſment or aſſeſſments upon all and every the inhabitants, owners, and occupiers of lands, houſes, tenements, and hereditaments, or any perſonal eſtate uſually ratable to the poor within any of the ſaid pariſhes, ſhall be from time to time made, levied, collected, and allowed by ſuch perſon and perſons as the ſaid juſtices at ſuch their general quarter ſeſſions ſhall direct and appoint in that behalf, and the money thereby raiſed ſhall be employed and accounted for according to the order and direction of the ſaid juſtices for and towards the amending, repairing, and ſupporting ſuch highways from time to time, as need ſhall require; and the ſaid aſſeſſment ſhall be levied by diſtreſs and ſale of the goods of every perſon ſo aſſeſſed (not paying the ſame within fourteen days after demand) rendring the overplus of the value of the goods ſo diſtrained, to the owner and owners thereof; the neceſſary charges of making and ſelling ſuch diſtreſs being firſt deducted. Provided always, That no ſuch aſſeſſment or aſſeſſments, to be made in any one year, ſhall exceed the rate of four pence in the pound of the yearly value of any lands, houſes, tenements, and hereditaments ſo aſſeſſed, nor the rate of eight pence for every twenty pounds in perſonal eſtate.

To be levied by diſtreſs.

New ſewers ſubject to the commiſſion of ſewers.
6 H. 6. c. 5.
8 H. 6. c. 3.
23 H. 8. c. 5.
25 H. 8. c. 10.
3 & 4 Ed. 6. c. 8.
1 M. ſeſſ. 3. c. 11.
13 Eliz. c. 9.
3 Jac. 1. c. 14.

XIV. *And whereas many new ſewers, ſinks, and vaults have been made in the pariſhes within the city and liberty of* Weſtminſter, *and other the pariſhes aforeſaid, by the commiſſioners appointed by the ſaid recited act, which ſince the expiration thereof are much neglected, and noiſome to the inhabitants, becauſe of ſome doubt whether ſuch new ſewers are within the juriſdiction of the laws of ſewers*; be it therefore enacted by the authority aforeſaid, That all new ſewers at any time ſince the twelfth year of the reign of the ſaid late King *Charles* the Second, made in any of the ſaid pariſhes, ſhall be henceforth ſubject to the commiſſion of ſewers, and to the laws and ſtatutes made for ſewers, as fully to all intents and purpoſes, as if ſuch ſewers, ſinks, and vaults had been expreſly mentioned in the ſaid ſtatutes of ſewers, to be under the ſurvey of the ſaid commiſſioners; and the commiſſioners of ſewers for the time being, within the limits of their reſpective commiſſions, ſhall have power and authority by virtue of this act to alter, amend, cleanſe, and ſcower any ſuch new ſewers, ſinks, and vaults, and to order and direct the making of any other new

vaults

vaults and ſewers, and to cut into any drain or ſewer already made, and to alter or take away any nuſances in the ſame, and to alter or take away any croſs gutter or channels, in all or any of the ſtreets and lanes in the pariſhes aforeſaid.

Houſholders to ſet up lights.

XV. And be it further enacted by the authority aforeſaid, That every houſholder within any of the pariſhes, places, or precincts in the counties of *Middleſex* and *Surrey*, and city and liberty of *Weſtminſter*, compriſed within the weekly bills of mortality, whoſe houſe adjoins unto or is near the ſtreet, from *Michaelmas* unto our *Lady-day* yearly, ſhall every night ſet or hang out candles or lights in lanthorns on the out-ſide of the houſe next the ſtreet, to enlighten the ſame for the conveniency of paſſengers, from time to time, as it ſhall grow dark, until twelve of the clock in the night, upon pain to forfeit the ſum of two ſhillings for every default; excepting ſuch perſon or perſons as ſhall agree to make uſe of lamps of any ſort, to be placed at ſuch diſtances in the ſtreet, as ſhall be approved of by two or more juſtices of the peace.

The weight of a truſs of hay.

XVI. *And whereas great abuſes and deceits are committed by carters and others, who bring and ſet hay within the cities of* London *and* Weſtminſter, *and the hay markets and places compriſed within the weekly bills of mortality, the loads and truſſes of ſuch hay being of leſs weight than they ought, and are pretended and declared to be between the buyer and ſeller thereof:* For remedy herein be it further enacted by the authority aforeſaid, That every truſs of old hay brought or offered to be ſold hereafter in any place within the cities of *London* and *Weſtminſter*, and all other places compriſed within the weekly bills of mortality, between the laſt day of *Auguſt* and firſt day of *June*, ſhall contain and be the full weight of ſix and fifty pounds at leaſt; and that every truſs of hay brought or offered to be ſold within the cities or places aforeſaid, between the firſt day of *June* and the laſt day of *Auguſt* in any year, being new hay of that ſummer's growth, ſhall be and contain the full weight of ſixty pounds, and old hay of any former year's growth, the weight of ſix and fifty pounds as aforeſaid; and if any hay after the ſaid fifteenth day of *December*, ſhall be brought or offered to be ſold within the cities or places aforeſaid, whereof any truſs ſhall be of leſs weight than aforeſaid, the perſon or perſons aforeſaid, ſo bringing or offering ſuch hay to be ſold, ſhall forfeit for every ſuch truſs of hay, not being the full weight aforeſaid, the ſum of eighteen pence.

Penalty.

Loaden hay carts when to ſtand.

XVII. And be it further enacted by the authority aforeſaid, That from and after the ſaid fifteenth day of *December*, no perſon or perſons whatſoever ſhall permit or ſuffer his or their waggon, cart, or car to ſtand or be in the place now called the *Hay Market* near *Piccadilly*, in the pariſh of Saint *Martin* in the fields, and Saint *James*, within the liberty of *Weſtminſter*, or borough of *Southwark*, or any other place in the pariſhes within the weekly bills of mortality, loaden with hay or ſtraw, to ſell the ſame, from *Michaelmas* to *Lady-day*, after two of the clock

Notice to be given of the time by ringing a bell by 8 & 9 W. 3. c. 16. ſ. 5.

in

in the afternoon, and from *Lady-day* to *Michaelmas* after three of the clock in the afternoon, on pain to forfeit for every offence and neglect five ſhillings reſpectively.

Offenders how to be convicted.

XVIII. And for the more ſpeedy reformation and puniſhment of all and every the offences aforeſaid, be it further enacted by the authority aforeſaid, That every juſtice of the peace within the counties of *Middleſex* and *Surrey*, and city and liberties of *Weſtminſter* and places aforeſaid, within their ſeveral limits reſpectively, ſhall have power and authority upon his own knowledge or view, confeſſion of the party, or proof of one credible witneſs upon oath before him (which oath the ſaid juſtice is hereby impowered to adminiſter) to convict any perſon or perſons of any the offences aforeſaid, whereby ſuch perſon or perſons ſo convict ſhall incur the pains, penalties, and forfeitures aforeſaid; one moiety whereof ſhall be diſpoſed and employed for and towards the relief of the poor of the pariſh or place where the offence ſhall be committed or done, to be paid to the overſeers of the poor of the ſame for that uſe, and the other moiety thereof for him or them that ſhall diſcover and proſecute the ſame, in caſe the ſaid conviction be by diſcovery and proſecution; and if the conviction ſhall be by the view or knowledge of any one or more juſtice or juſtices of the peace, then one half of the penalty ſhall be diſpoſed of to the relief of the poor as aforeſaid, and the other moiety, if for a default of payment, to go to and be employed for and towards the repairing, paving, and cleanſing of the ſaid ſtreets or places, to be paid to the ſcavengers of the place, and by them employed for that uſe, or otherwiſe to the relief of the poor as aforeſaid; and all the ſaid penalties ſhall be levied by diſtreſs and ſale of the goods and chattels of the offender by warrant under the hand and ſeal of any juſtice of the peace of the place, to be directed to the conſtables and headboroughs of the ſame pariſh where the offence was done, rendring the ſurpluſage to the party; and in default of diſtreſs, or not-payment of the ſaid penalties, within ſix days after demand thereof, where it is not hereby otherwiſe provided, or notice in writing left at the houſe or dwelling-place of the offender, by the ſaid conſtable or headborough, the ſaid (offender not being a peer of this realm) ſhall be committed to the common gaol of the ſaid counties or city reſpectively, by the warrant of any ſuch juſtice under his hand and ſeal, there to remain without bail or mainprize until payment.

Penalty how diſpoſed.

Penalty how to be levied.

Cart wheels how to be made.

XIX. *And whereas the wheels of many carts, cars, and brewers drays, now commonly uſed for the carriage of goods, beer, ale, and other things from place to place within the cities of* London *and* Weſtminſter, *and pariſhes aforeſaid, where the ſtreets are paved, are made thinner or narrower in the felleys than formerly, and many are ſhod with iron tires, by means whereof the pavements in the ſtreets of the ſaid cities and places are daily impaired and broken up, and made dirty and rough:* For prevention whereof for the time to come, be it therefore enacted by the authority aforeſaid, That from

from and after the ſaid fifteenth day of *December*, the wheels of every cart, car, or dray to be uſed for the carriage of any thing whatſoever, from any place within the ſaid cities and places, to any place ſituate in the ſaid cities and places where the ſtreets are paved, ſhall be made to contain the full breadth of ſix inches in the felley, and ſhall not be wrought about with any iron work whatſoever, nor be drawn with above the number of two horſes, after they are up the hills from the water ſide; and the owners and proprietors of any cart, car, or dray to be uſed as aforeſaid, the wheels whereof ſhall not be made ſix inches in the breadth, or ſhall be ſhod with iron, or be drawn with above two horſes as aforeſaid, ſhall forfeit the ſum of forty ſhillings for every time ſuch cart, car, or dray ſhall be uſed as aforeſaid, for the uſes, and to be levied as aforeſaid. Provided nevertheleſs, That this ſhall not extend to any country cart or waggon that ſhall bring any goods to the cities or places aforeſaid, or ſhall carry any goods half a mile beyond the paved ſtreets of the ſaid cities and places.

This clauſe diſpenſed with 3 & 4 W. & M. c. 12. ſ. 16.

15 Geo. 2. c. 2.

18 Geo. 2. c. 33.

Penalty.

Country carts excepted.

XX. And for the better keeping and preſerving the ſtreets and ſewers in and about the ſaid cities of *London* and *Weſtminſter*, and the liberties thereof, and the borough of *Southwark*, and other the pariſhes aforeſaid, be it further enacted, That no perſon or perſons whatſoever, from and after the ſaid fifteenth day of *December*, ſhall breed, feed, or keep any ſort or manner of ſwine within any part of the houſes or backſides of the paved ſtreets of the ſaid cities, borough, or pariſhes, where the houſes are contiguous, upon pain of forfeiting the ſame to the churchwardens and overſeers of the poor of the pariſh where ſuch ſwine ſhall be kept, bred, or fed, to the uſe of the poor thereof; and that it ſhall and may be lawful for all or any of the churchwardens, chapelwardens, overſeers of the poor, conſtables, beadles, headboroughs, or tythingmen of any of the pariſhes of the ſaid cities and places reſpectively, at all times hereafter, in the day-time, by warrant under the hand and ſeal of the ſaid mayor of *London*, or any other of their Majeſties juſtices of the peace of the place reſpectively to ſearch in all ſuch places in their reſpective pariſhes for the finding all ſuch ſwine, and all that ſhall be ſo found to ſeize, take, drive, and carry away, and the ſame to ſell for the beſt price that can be had, and the money thereby produced forthwith to deliver to the churchwardens or overſeers of the poor of the pariſh where ſuch ſwine ſhall be ſeized, to be diſtributed to the poor of the ſame, in ſuch manner and porportions as the ſaid churchwardens and overſeers reſpectively ſhall think fit.

Swine kept within London, &c. forfeited.

Explained and enforced by 8 & 9 W. 3. c. 37. ſ. 4.

2 Salk. 460.

XXI. And for the better cleanſing and keeping clean the ſtreets, lanes, and paſſages within the city of *London* and liberties thereof, at all times hereafter, be it enacted by the authority aforeſaid, That the ſame ſhall be ordered and managed, and rates and impoſitions laid and levied, and all other ways and means therefore uſed and obſerved, according to the ancient uſage and cuſtom of the ſaid city.

Cuſtom of London for cleanſing, &c. continued.

XXII. And

Lord mayor, &c. may preſent upon view.

XXII. And for the better effecting the ſame, and preventing the throwing out or laying any aſhes, ſoil, duſt, or rubbiſh, or other nuſance or obſtruction in any the ſtreets, lanes, or paſſages of the ſaid city or liberties thereof, it is further enacted, That it ſhall and may be lawful to and for the lord mayor of the ſaid city for the time being, and to and for any alderman of the ſaid city for the time being, upon his own proper knowledge or view, in the open general ſeſſions, to make preſentment for any ſuch offence committed, done, or ſuffered within the ſaid city or liberties thereof, which preſentment ſhall be good and effectual; and the lord mayor and juſtices of the ſame city ſhall immediately, at the ſame general ſeſſions, have authority to aſſeſs fines for ſuch offences, not exceeding twenty ſhillings for any one offence; which fines, ſo to be aſſeſſed as aforeſaid, ſhall be levied and paid unto the chamberlain of the city of *London* for the time being, for the uſe of the ſame city, to be employed in the publick payments of the ſame city; any law or ſtatute to the contrary notwithſtanding.

Fine upon the preſentment.

22 & 23 Car. 2. c. 17.

XXIII. *And whereas there are many good proviſions made and ordained for the cleanſing the ſewers, and well paving the ſtreets in* London, *by one act made in the two and twentieth and three and twentieth years of King* Charles *the Second, intituled,* An act for the better paving and cleanſing the ſtreets and ſewers in and about the city of *London, which have been much obſtructed by occaſion of many frivolous and vexatious actions commenced and proſecuted by evil diſpoſed perſons againſt officers and others employed in the execution of the ſaid act*; wherefore to prevent the like vexatious proſecutions for the future, be it further enacted, That if any action, ſuit, plaint, or information, ſhall at any time after the ſaid fifteenth day of *December* be commenced or proſecuted againſt any perſon or perſons, for what he or they ſhall do in purſuance of or in execution of the ſaid laſt recited act, or this act, ſuch perſon or perſons, ſo ſued in any court whatſoever, ſhall or may plead the general iſſue, and upon any iſſue joined, may give the ſaid reſpective acts, or either of them, as the caſe may require, and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or ſuffer diſcontinuance, or if a verdict paſs againſt him or her, the defendant and defendants ſhall recover their treble coſts, for which they ſhall have the like remedy as in any caſe where coſts by the law are given to defendants.

General iſſue.

Treble coſts.

St. John's. *See* 2 Geo. 2. c. 11.

XXIV. And it is hereby enacted and declared, for avoiding any doubt touching the highway leading from the eaſt ſide of *Clerkenwell Green* to Saint *John's Street*, That the ſaid way ſhall be paved according to the direction of this act.

CAP.

CAP. IX. (19.)

An act for the encouraging the diſtilling of brandy and ſpirits from corn, and for laying ſeveral duties, on low wines, or ſpirits of the firſt extraction.

WHEREAS *by act made in the parliament held in the firſt year of their Majeſties reign, intituled,* An act for prohibiting all trade and commerce with *France, all brandies,* aqua vitæ, *and ſpirits are prohibited to be imported into this kingdom: And whereas good and wholſome brandies,* aqua vitæ, *and ſpirits, may be drawn and made from malted corn: For the encouragement therefore of the making of brandy, ſtrong waters, and ſpirits, from malted corn, and for the greater conſumption of corn, and the advantage of tillage in this kingdom:* 1 W. & M. ſt. 1. c. 34. *Vide* 10 & 11 W. 3. c. 4.

II. Be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the four and twentieth day of *December*, in the year of our Lord one thouſand ſix hundred and ninety, until the five and twentieth day of *December*, in the year of our Lord one thouſand ſix hundred ninety five, there ſhall be paid by way of exciſe unto their Majeſties and their ſucceſſors, for all low wines or ſpirits of the firſt extraction, drawn by diſtillers or other makers of ſpirits and ſtrong waters for ſale within this kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, the rates and duties following (that is to ſay) For every gallon of low wines of the firſt extraction, made or drawn from any foreign or imported materials, or any mixture with foreign materials, eight pence; for every gallon of low wines or ſpirits of the firſt extraction, made or drawn from brewers waſh or tilts, or from any ſort of *Engliſh* materials, other than from drink brewed and prepared from any ſort of malted corn, or from perry or cyder, twelve pence; for every gallon of low wines of the firſt extraction, drawn or made only from drink brewed and made of any ſort of malted corn, one penny; and for every gallon of low wines of the firſt extraction, drawn or made from cyder or perry, or any mixture therewith, three pence. Exciſe upon ſpirits till 1695. *Continued to March* 1696. *by* 7 W. 3. c. 2. ſ. 6. The ſeveral rates.

III. And be it further enacted by the authority aforeſaid, That all diſtillers and others, who ſhall draw or make any low wines, ſpirits, or brandy, from corn, ſhall brew, or cauſe their corn to be brewed and made into clean and wholſome drink, and from ſuch drink ſo made and prepared (without any mixture with any moloſſes, waſh, or tilts, or other materials whatſoever) ſhall draw their low wines or ſpirits of the firſt extraction; and that it ſhall and may be lawful for the gager and gagers of exciſe, from time to time, to gage and keep an account of the liquors, worts, and drink made and drawn by ſuch diſtillers or others, for the making ſuch low wines, ſpirits, or Diſtillers ſhall draw their ſpirits from corn, without moloſſes, &c. Gagers ſhall ſee and keep account of the ſpirits.

or brandies, and to ſee that the ſame be drawn and made from drink made of malted corn entirely, without any mixture as aforeſaid; and in caſe any diſtillers or others ſhall therewith mix any other materials, either in the brewing, or after the ſame is made into drink, and before the ſame be diſtilled into low wines, the ſaid gagers ſhall charge the low wines, drawn from the drink ſo mixed, with the duty of twelve pence for every gallon, which ſaid duty ſhall be anſwered and paid to their Majeſties and their ſucceſſors.

Penalty upon mixing other materials.

Penalty upon diſtiller making or receiving other materials.

IV. And be it further enacted, That no diſtillers or others, drawing low wines or ſpirits from corn, prepared as aforeſaid, ſhall prepare any waſh from moloſſes or other materials, or receive any waſh of moloſſes or other materials from any other perſon whatſoever, until he has drawn off and diſtilled all the liquors made or prepared from corn as aforeſaid, on pain of forfeiture for every barrel of ſuch liquors made of corn as aforeſaid, found undiſtilled or drawn into low wines, the ſum of five pounds.

Penalty upon officer making a falſe return.

V. And be it further enacted by the authority aforeſaid, That if any gager or other officer of exciſe ſhall wittingly and willingly make a falſe charge, by returning to the commiſſioners any quantity of low wines or ſpirits of the firſt extraction, not made from malted corn, as made and drawn from malted corn, ſuch gager or officer ſhall forfeit his office or employment, and alſo ſhall forfeit for every gallon of low wines ſo falſly charged or returned, the ſum of ten ſhillings.

Diſtiller may export malted ſpirits.

VI. And for the further encouragement of diſtillers and others, to draw and make ſpirits or brandies from malted corn brewed into drink as aforeſaid, and to export the ſame as merchandize into parts beyond the ſeas, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to or for any diſtillers or others, upon oath made before any two or more of the commiſſioners of exciſe, or juſtices of the peace for the county or place from whence any brandy or ſtrong waters is or are intended to be exported, that the ſame were or was made and drawn from drink brewed from malted corn, without any mixture with any other materials, and that the ſame is not mixed with any low wines, not drawn a ſecond time, nor with any other ſpirits or brandy made from any other materials, either native or foreign, and that the duties of the ſame are duly entred or paid, and that the ſame are exported for merchandize, to be ſpent beyond the ſeas, to export ſuch ſpirits or brandies made from corn prepared as aforeſaid; and upon a certificate under the hands of the officer of exciſe for the port or place where ſuch ſpirits or brandies were ſhipt off, of the quantity ſo ſhipt, and that the ſame was ſhipt in the preſence of ſuch officers, that ſuch diſtiller, or others ſo exporting, ſhall be allowed or paid back by the commiſſioners, or their collector for the port or place where ſuch ſpirits or brandy ſhall be ſhipt off, the ſum of three pence for every ſuch gallon of brandy or ſpirits ſo ſhipt off.

Rebate of 3 d. *per* gallon upon exportation.

VII. And

VII. And be it further enacted by the authority aforeſaid, That the gager and gagers of exciſe ſhall, from time to time, gage and take account of all waſh and other materials prepared or preparing for the making of low wines, and alſo of all low wines, ſpirits, or ſtrong waters found in the houſes, cellars, or warehouſes, or in any waſh, back, caſk, or other veſſel or veſſels uſed by any diſtiller or maker of low wines or ſpirits; and in caſe he ſhall miſs any quantity or quantities of liquor or drink brewed or made from corn, or any waſh, or other materials prepared for making of low wines, which he found or gaged the laſt time ſuch gager was at ſuch diſtiller's, not exceeding twenty four hours before, and ſhall not on demand receive ſatisfaction what is become of ſuch drink or waſh, or other ſuch like materials, that in every ſuch caſe it ſhall be lawful for ſuch gager to charge ſuch diſtiller with ſo much low wines as ſuch liquor, drink, waſh, or other materials ſo miſſing, in his judgment would reaſonably have made.

Gager ſhall take account of waſh, &c.

Gager ſhall charge diſtiller with quantities miſſing.

VIII. And to the intent that the duties payable to their Majeſties for all low wines, ſpirits, *aqua vitæ*, and ſtrong waters, may be the better aſcertained, collected, and levied, be it enacted by the authority aforeſaid, That from and after the ſaid four and twentieth day of *December*, no diſtiller or maker of low wines, ſpirits, *aqua vitæ*, and ſtrong waters, ſhall diſtil or ſet their ſtills at work for the drawing or making any the liquors above mentioned, or ſhall deliver or carry out any low wines, ſpirits, or *aqua vitæ*, to any of their cuſtomers, in caſk or by the gallon, without notice thereof firſt given to the officer of exciſe for the place or diviſion where ſuch diſtiller or maker ſhall live, to the intent that ſuch officer may be preſent to ſee and gage the ſame, unleſs at ſuch times as herein after are mentioned, (that is to ſay) from the nine and twentieth day of *September*, to the twenty fifth of *March* yearly, between the hours of five of the clock in the morning, and eight of the clock in the evening; and from the twenty fifth day of *March* to the twenty ninth of *September* yearly, between the hours of three of the clock in the morning, and nine of the clock in the evening, upon pain that every diſtiller and maker of the liquors aforeſaid, doing contrary hereunto, ſhall for every ſuch offence forfeit the ſum of ten pounds.

Diſtiller ſhall give notice to gager of time of diſtilling and removing ſpirits, except at certain times mentioned.

10l. penalty.

IX. And be it further enacted by the authority aforeſaid, That the ſeveral rates and duties of exciſe, hereby impoſed on the liquors aforeſaid, ſhall be raiſed, levied, collected, recovered, and paid unto their Majeſties and their ſucceſſors during the time before mentioned, and in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned, expreſſed, and directed in and by one act of parliament, made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*; and alſo in and by one other act of parliament

Manner of levying, collecting, &c.

12 Car. 2. c. 24.

15 Car. 2. c. 11. liament made in the fifteenth year of his ſaid Majeſty's reign, intituled, *An additional act for the better ordering and collecting the duties of exciſe, and preventing the abuſes therein*, or in either of them, or by any other law now in force, relating to the revenue of exciſe.

Fines upon this act how recoverable

X. And be it further enacted by the authority aforeſaid, That all fines, penalties, and forfeitures by this act impoſed, ſhall be ſued for, recovered, and levied by ſuch ways, means, and methods, as any fine, penalty, or forfeiture is or may be recovered by any law or laws of exciſe, or by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*; and that one moiety of ſuch fine, penalty, or forfeiture ſhall be to their Majeſties and their ſucceſſors, and the other moiety to him or them that ſhall diſcover, inform, or ſue for the ſame.

Any perſon may diſtil.

XI. Provided always, and be it enacted and declared by the authority aforeſaid, That it ſhall and may be lawful to or for any perſon or perſons, during the continuance of this act, to make, draw, or diſtil for ſale, or to be retailed, any low wines or ſpirits, from drink brewed from malted corn only, paying the duties, and being ſubject to all fines and penalties as other diſtillers are; any law, charter, or other thing to the contrary notwithſtanding.

Enlarged by 8 & 9 W. 3. c. 19. ſ. 13.

Exciſe upon brandy and other liquors from Guernſey, &c.

XII. And be it further enacted by the authority aforeſaid, That all ſtrong waters, brandy, *aqua vitæ*, or ſpirits brought from the iſlands of *Guernſey*, *Jerſey*, *Sark*, or *Alderney*, ſhall be charged with the duty of eight ſhillings for every gallon, to be paid to the collector or officer of exciſe, upon entry thereof before landing; and that all other exciſeable liquors brought from the ſaid iſlands, or any of them, except beer, ale, and mum, ſhall be charged and chargeable with ſuch and the like duties as are charged or chargeable on the like liquors made in this kingdom, to be entred and paid as aboveſaid: And that before the landing of any ſuch liquors, oath ſhall be made by the importer or owner of ſuch brandy, ſtrong waters, or ſpirits, and other liquors, before the collector or principal officer of the cuſtoms of the port where the ſame are to be landed, that the ſame are of the growth and manufacture of the ſaid iſlands, or one of them, and are not made from or mixed with any foreign liquors or materials. And in caſe any ſuch liquors ſhall be imported and landed before due entry, ſuch oath made, and the ſaid duties paid; the ſaid ſtrong waters, brandy, and other liquors, ſhall be taken and adjudged to be of the growth and manufacture of the territories of the *French* King, and the ſaid liquors ſhall be deſtroyed, and all perſons concerned in the importation or ſale thereof, ſhall forfeit and ſuffer all and every the penalties mentioned in an act made in the firſt year of their Majeſties reign, intituled, *An act for prohibiting all trade and commerce with* France, in ſuch and the ſame manner, as if the ſaid liquors had been of the growth and manufacture of the territories

Oath muſt be made that they are of the manufacture of thoſe iſlands, otherwiſe adjudged French commodities.

Continued by 12 & 13 W. 3. c. 11. ſ. 8. and 3 & 4 Annæ, c. 4. ſ. 3. during the continuance of thoſe acts.

1 W. & M. ſſ. 1. c. 34. viz. *the forfeiture of the value for the firſt offence,*

territories of the *French* King, and ſhall be proſecuted and recovered as in the ſaid act is appointed. *and double for the ſecond, &c.*

XII. Provided alſo, and be it enacted, That all charters and letters patents already made, or hereafter to be made or granted, for the ſole making of brandy, ſpirits, or ſtrong waters from corn of any ſort, or in any manner whatſoever, as a new invention, or whereby the power and liberty given by this act to all perſons for the diſtilling and making brandy, ſpirits, or ſtrong waters from corn, ſhall be in any manner reſtrained, ſhall be and are hereby declared and adjudged to be void to all intents and purpoſes whatſoever. *Part of the aggregate fund, 1 Geo. 1. c. 12. Charters for the ſole making of brandy void.*

CAP. X. (20.)

An act for granting to their Majeſties ſeveral additional duties of exciſe upon beer, ale, and other liquors for four years, from the time that an act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year, doth expire.

Moſt gracious Sovereigns,

WE your Majeſties moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, taking into ſerious conſideration the great and urgent occaſions, which do preſs your Majeſties to an extraordinary expence of treaſure for the defence of your kingdoms and dominions againſt invaſion, and for preſerving to your ſaid ſubjects the intercourſe of trade, for which purpoſe your Majeſties have found yourſelves obliged to equip and ſet out to ſea a royal navy, and to make and maintain a war againſt the *French* King; and in moſt thankful acknowledgement of your Majeſties tender care of the welfare of your people, and for the augmenting the naval ſtrength of this your kingdom, by building ſome new ſhips of war, have cheerfully and unanimouſly given and granted, and do hereby give and grant to your Majeſties, the ſeveral additional rates and duties of exciſe herein after mentioned; and do moſt humbly beſeech your Majeſties that it may be enacted;

II. And be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the ſeventeenth day of *November*, in the year of our Lord, one thouſand ſix hundred and ninety one, there ſhall be throughout your Majeſties kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, and collected, and paid unto your Majeſties and your ſucceſſors, during the ſpace and term of four years, and no longer, for beer, ale, cyder, and other liquors herein after expreſſed, by way of exciſe, over and above all other duties, charges, and impoſitions by any former act or acts (then unexpired) ſet and impoſed, and in manner and form following; (that is to ſay) for every *Additional exciſe. For the continuance of theſe duties, ſee 5 & 6 W. & M. c. 7. & c. 20. 4 Ann. c. 6. 1 Geo. 1. ſtat. 2. c. 12. ſ. 8. They are now expired, and others granted.* 6 *s.* beer.

barrel of beer or ale, above ſix ſhillings the barrel, excluſive of the duty of exciſe, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, one ſhilling ſix pence; for every barrel of

Beer under 6*s.* beer or ale of ſix ſhillings the barrel or under, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the ſaid common brewer, or by ſuch other perſon or perſons reſpectively as aforeſaid, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame,

Vinegar Engliſh. ſix pence; for every barrel of vinegar or vinegar-beer, brewed, or made of any *Engliſh* materials by any common brewer, or any other perſon for ſale, to be paid by the maker thereof, and ſo proportionably for a greater or leſſer quantity, over and above the duties of exciſe payable for the ſame, three ſhillings; for

Vinegar foreign. every barrel of vinegar, or liquor prepared for vinegar, made here for ſale, that hath run through rape, or made with or paſſing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof, and ſo proportionably for a greater or leſſer quantity, eight ſhillings; for every

Beer, *&c.* barrel of beer, ale, or mum, imported from beyond the ſeas, or from the iſlands of *Guernſey* or *Jerſey*, and ſo proportionably for a greater or leſſer quantity, to be paid by the importers before landing, over and above the duties payable for the ſame,

Cyder *per* ton. ſix ſhillings; for every ton of cyder or perry imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importer before landing, over and

Brandy ſingle. above the duties payable for the ſame, eight pounds; for every gallon of ſingle brandy, ſpirits, or *aqua vitæ*, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties payable for the ſame, four ſhillings. (*Repealed by* 4 & 5 *W.* & *M. cap.* 6.) For every gallon of brandy,

Brandy double. ſpirits, or *aqua vitæ* above proof, commonly called *double brandy*, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties payable for the ſame,

Cyder retailed. eight ſhillings. (*Repealed by* 4 & 5 *W.* & *M. cap.* 6.) For all cyder and perry made and ſold by retail, upon every hogſhead, to be paid by the retailer thereof, over and above the duties payable for the ſame, and ſo proportionably for a greater or

Metheglin. leſſer meaſure, two ſhillings ſix pence; for all metheglin or mead, made for ſale, whether by retail or otherwiſe, to be paid by the maker, for every gallon ſix pence.

Manner of levying. III. And be it farther enacted by the authority aforeſaid, That the ſeveral rates and duties of exciſe hereby impoſed on the liquors aforeſaid, ſhall be raiſed, levied, collected, recovered and paid unto their Majeſties and their ſucceſſors, during the time before mentioned, and in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and for-

forfeitures, as are mentioned, expreſſed, and directed in and by one act of parliament, made in the firſt year of their preſent Majeſties reign, intituled, *An act for an additional duty of exciſe upon beer, ale, and other liquors*, or by any other law now in force relating to the revenue of exciſe. 1 W. & M. ſt. 1. c. 24.

IV. Provided that nothing in this act contained ſhall be conſtrued to continue the duties of exciſe granted by an act made in the firſt year of their Majeſties reign, intituled, *An act for an additional duty of exciſe upon beer, ale, and other liquors*, or any other duties of exciſe upon beer, ale, or other liquors, for any longer time than the ſame are reſpectively granted by the ſaid act, or any other act or acts for that purpoſe. Exciſe formerly given not prolonged by this act. 1 W & M. ſt. 1. c. 24.

V. And be it farther enacted by the authority aforeſaid, That it ſhall and may be lawful for any victuallers or retailers, or common brewers, who for or within the ſpace of one year before the ſeventeenth of *November* laſt, have not brewed their own beer and ale, to brew and make the ſtrong beer, ſmall beer, or ale, drank, conſumed, ſpent, or ſold in their reſpective houſes, out-houſes, or other places, paying the duty of exciſe for the ſame, in manner as brewers and retailers of beer and ale brewing and making the ſame are liable by the laws of exciſe now in force; and on their entring the beer and ale by them reſpectively made, at the exciſe office within the limits wherein ſuch beer and ale ſhall be made, and on the payment of the duty of exciſe for the ſame, ſuch perſon and perſons ſhall not be liable to the penalty of one hundred pounds impoſed in an act made in this preſent parliament, intituled, *An act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year*; any thing in the ſame act to the contrary notwithſtanding. Victuallers, &c. may brew, paying the exciſe. Ante c. 3.

VI. *And whereas by an act made in the firſt year of their Majeſties reign, intituled*, An act for appropriating certain duties for paying the *States General* of the *United Provinces* their charges for his Majeſty's expedition into this kingdom, and for other uſes, *the money accruing and payable to their Majeſties by force of another act made in the ſaid firſt year of their Majeſties reign, intituled*, An act for an additional duty of exciſe upon beer, ale, and other liquors *(together with other money ariſing and payable by certain other acts of parliament) was appropriated for and towards the payment of ſix hundred thouſand pounds to the States of the* United Provinces: *And after the ſaid ſix hundred thouſand pounds ſo paid, the reſidue of the money which ſhould accrue and be payable to their Majeſties by virtue of the ſaid act, to be for and towards the ſubduing of the rebellion of* Ireland, *and other charges of the war againſt* France: *And whereas the increaſe of the naval ſtrength and force of this kingdom is one of the beſt and moſt effectual means for carrying on the war againſt* France, *and for maintaining the honour and ſafety of the realm*; be it further enacted by the authority aforeſaid, That all monies which ſhall accrue and become payable to their Majeſties by virtue of the ſaid act, intituled, *An act for an additional duty of exciſe upon beer, ale, and other liquors*, from and after the ſaid ſix hundred thouſand pounds ſhall be paid to the *States General*: 1 W. & M. ſt. 1. c. 28. 1 W. & M. ſt. 1. c. 24.

Appropriation of this and the reſidue of the exciſe before given to the building 27 men of war. 1 W. & M. ſeſſ. 1. c. 24.

And alſo all monies to be collected, levied and paid by virtue of this act, ſhall be applied to the uſes following (that is to ſay) the ſum of five hundred and ſeventy thouſand pounds, part thereof, ſhall be applied and appropriated, and is hereby appropriated for the building, and for the guns, rigging, and other furniſhing of ſeven and twenty ſhips of war, whereof ſeventeen to be of the third rate, and to contain and meaſure eleven hundred tons, or thereabouts, and to carry eighty guns apiece; and ten to be of the fourth rate, and to contain and meaſure nine hundred tons or thereabouts, and to carry ſixty guns apiece.

VII. And be it farther enacted by the authority aforeſaid, That the ſaid ſeven and twenty ſhips of war hereby directed to be built, as aforeſaid, ſhall be, and are hereby directed to be built and furniſhed with all convenient expedition, the whole number to be compleated with guns, rigging, and furniture, within the ſpace of four years, to be accounted from the five and twentieth day of *March*, one thouſand ſix hundred ninety one.

The reſidue of the former exciſe and this to be kept apart, and paid weekly into the exchequer.

VIII. And to the end that the ſaid five hundred and ſeventy thouſand pounds, may be applyed to the building and furniſhing of the ſaid ſhips of war; and alſo that their Majeſties may be enabled to borrow upon the credit of this act, any ſum or ſums of money not exceeding ten hundred thouſand pounds, for the uſes of the ſaid war, be it farther enacted, That from and after the ſaid ſix hundred thouſand pounds ſhall be paid to the ſaid *States General*, until the eighteenth day of *November*, which ſhall be in the year one thouſand ſix hundred ninety-five, the commiſſioners and governors for the management of the receipt of exciſe at the head office in *London*, ſhall ſeparate and keep apart as well the ſaid monies ariſing by virtue of the ſaid act, intituled, *An act for an additional duty of exciſe upon beer, ale and other liquors*, as the monies ariſing by virtue of this act, as the ſame ſhall from time to time ariſe, or be paid into the ſaid office of exciſe by the receivers or collectors of the ſame, or by any other perſon whatſoever; and the auditor and comptroller of the exciſe for the time being, or their reſpective deputies, ſhall keep a perfect and diſtinct account in books fairly written of the ſaid monies, as the ſame ſhall come in, to which books all perſons concerned ſhall have free acceſs at all ſeaſonable times without fee or charge; and the ſaid commiſſioners and governors of exciſe for the time being, are hereby required, and ſtrictly enjoyned, from time to time to pay weekly, to wit, on *Wedneſday* in every week, if it be not an holy-day; and if it be, then the next day after that is not an holy-day, the ſaid monies into the receipt of their Majeſties exchequer, diſtinct and apart from the other monies which the ſaid commiſſioners and governors of exciſe ſhall receive for their Majeſties uſe.

A ſeparate account in the exchequer.

IX. And it is farther enacted by the authority aforeſaid, That the officers of the receipt of their Majeſties exchequer ſhall keep all monies which ſhall be paid into the receipt of the exchequer by virtue of this act, or of the ſaid former act, and the

the account thereof diſtinct from all other monies and accounts whatſoever, and ſhall alſo keep a particular account of the charge of the building, guns, rigging, and other furniſhing of each of the ſaid ſeven and twenty ſhips of war hereby directed to be built, as aforeſaid.

One third part to be paid the treaſurer of the navy, &c.

X. And be it farther enacted, That out of the monies ſo from time to time paid into the receipt of their Majeſties exchequer, one third part thereof, the whole in three equal parts to be divided, ſhall in each and every of the ſaid years be iſſued and paid out for and towards the building, and for and towards the guns, rigging and other furniſhing of the ſaid ſeven and twenty ſhips of war; and that the commiſſioners of the treaſury, or lord treaſurer, or commiſſioners of the treaſury for the time being, do not ſign any warrant or order, or do any other matter or thing for the iſſuing of any part of the ſaid one third part, to any perſon or perſons, other than the treaſurer of the navy, or the treaſurer or paymaſter of the ordnance for the time being, and expreſſing therein, that the ſame is for the building, or for the guns, rigging or other furniſhing of the ſeven and twenty ſhips of war above mentioned; nor ſhall the auditor of the receipt draw any order for the iſſuing any part of the ſaid one third part, to any perſon or perſons, other than the treaſurer of the navy, or treaſurer or paymaſter of the ordnance, as aforeſaid; nor ſhall he direct, or the clerk of the pells record, or the teller make payment of any part of the ſaid one third part by virtue of any warrant, or upon any order, or other way or device whatſoever, other than to the perſons, and for the uſes aforeſaid, and to be ſo mentioned and expreſſed in ſuch warrant or order.

Treaſurer of the navy, &c. may aſſign over the third part.

XI. And be it farther enacted by the authority aforeſaid, That the treaſurer of the navy, and the treaſurer or pay-maſter of the ordnance reſpectively, may aſſign and transfer any part of the ſaid one third part due and payable to them upon any order, by indorſement upon ſuch order, which being notified, and an entry and memorial thereof alſo made in the office of the auditor of the receipt, (which on requeſt he ſhall accordingly make, without fee or charge) ſhall intitle ſuch aſſignee, his executors, adminiſtrators and aſſigns, to the benefit of ſuch order or orders, or any part thereof and payment thereon; and ſuch aſſignee may in like manner aſſign, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons, who have or hath made ſuch aſſignments, to make void, releaſe or diſcharge the ſame, or the monies thereby due, or any part thereof.

Treaſurer of the navy to keep an account.

XII. And it is hereby farther enacted, That the treaſurer of the navy, and treaſurer or pay-maſter of the ordnance for the time being, ſhall keep all monies paid to them reſpectively by virtue of this act, diſtinct and apart from all other monies, and iſſue and pay the ſame by warrant of the principal officers and commiſſioners of the navy or ordnance reſpectively, or any three or more of them, and mentioning and expreſſing, That it is for the building, or for the guns, rigging, or other furniſhing

of the ſeven and twenty ſhips of war, as aforeſaid, and to no other intent or purpoſe whatſoever.

officers of the navy to ſign bills only for building.

XIII. And it is farther enacted, That the principal officers and commiſſioners of the navy, and the principal officers of the ordnance, reſpectively, or any three or more of them, ſhall not ſign any warrant or navy bills, or do any other act or thing for the iſſuing and paying any of the ſaid monies to any uſe, intent or purpoſe whatſoever, other than for the building, or for the guns, rigging, or other furniſhing of the ſeven and twenty ſhips of war, as aforeſaid, and to be ſo mentioned and expreſſed in ſuch warrant or navy bill.

Clauſe of credit for 1,000000l. upon the two thirds.

XIV. And be it farther enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate to advance and lend to their Majeſties into the receipt of the exchequer, upon the credit of two third parts, the whole in three equal parts to be divided, of the monies to be brought in to the receipt purſuant to the directions of this act, as aforeſaid, any ſum or ſums of money, not exceeding the ſum of ten hundred thouſand pounds in the whole; and to have and receive for the forbearance thereof, intereſt not exceeding the rate of ſeven pounds by the hundred for one year.

Annual ſurplus of duties ariſing by 5 & 6 W. & M. c. 7. to be applied for payments of principal and intereſt due for two thirds of the exciſe hereby granted, *id. ſtat.* f. 55. order, tally and payment in courſe.

XV. And to the end that all monies which ſhall be ſo lent to their Majeſties, may be well and ſufficiently ſecured out of, and by the monies ariſing by this or the ſaid former act, and appointed by this preſent act to be paid into the exchequer, as aforeſaid, (other than, and beſides the ſaid one third part appropriated as aforeſaid) together with the intereſt for the money ſo lent, not exceeding the rate aforeſaid; be it farther enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties exchequer, (that is to ſay) in the office of the auditor of the receipt, one book in which all monies which ſhall be paid into the exchequer, as aforeſaid, ſhall be entred apart and diſtinct from all other monies paid or payable to their Majeſties upon any account whatſoever: and that all and every perſon and perſons, natives or foreigners, bodies politick or corporate, who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the exchequer, ſhall immediately have a tally of loan ſtruck for the ſame, and an order for his or their repayment, bearing the ſame date with the tally; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, not exceeding the rate aforeſaid, for his or their conſideration, to be paid every three months until repayment of the principal; and that all orders for repayment of money ſhall be regiſtred in courſe according to the date of the tally reſpectively, without preference of one before another, and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand entred in the ſaid regiſter book, ſo as that the perſon, native or foreigner, his, her or their executors, adminiſtrators and aſſigns, who ſhall have his, her, or their order or orders

firſt

firſt entred in the ſaid book, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act, (other than, and beſides the ſaid one third part, appropriated as aforeſaid;) and he or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the aforeſaid two third parts (the whole in three equal parts being divided) of all the monies before mentioned, ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators or aſſigns ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent or purpoſe whatſoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any of their Majeſties ſubjects, for providing or making of any ſuch books, regiſters, entries, view or ſearch, as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with coſts of ſuit; or if the officer or officers themſelves take or demand any ſuch fee or reward, then to loſe their places alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry or payment contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages and coſts to the party grieved, and ſhall be forejudged from their places or offices; and if ſuch preference be unduly made by any their deputies or clerks, without direction or privity of the officer or officers, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages and coſts, and ſhall be for ever after uncapable of his place or office; and in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment according to each perſon's due place and order, as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages and coſts, in ſuch manner, as aforeſaid; all which ſaid penalties, forfeitures, damages and coſts to be incurred by any of the officers aforeſaid, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint or information in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, priviledge, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

XVI. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment, as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day.

XVII. Provided alſo, That it ſhall not be intrepreted any undue preference to incur any penalty in point of payment, if the

the auditor direct, and the clerk of the pella record, and the teller do pay ſubſequent orders of perſons that come and demand their money, and bring their order in their courſe, ſo as there be ſo much money reſerved, as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them (intereſt upon loan being to ceaſe from the time the money is ſo reſerved, and kept in bank for them.)

Money transferrable.

XVIII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter aforeſaid, for payment thereof, his executors, adminiſtrators or aſſigns by indorſement of his order may aſſign and transfer his right, title, intereſt and benefit of ſuch order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforeſaid, and an entry or memorial thereof alſo made in the ſaid book of regiſter for orders (which the officers ſhall upon requeſt, without fee or charge accordingly make) ſhall entitle ſuch aſſignee, his executors, adminiſtrators and aſſigns to the benefit thereof, and payment thereon; and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties:* and afterwards it ſhall not be in the power of ſuch perſon or perſons who have or hath made ſuch aſſignments, to make void, releaſe or diſcharge the ſame, or any monies thereby due, or any part thereof: and if the ſaid commiſſioners or governors of the exciſe for the time being, ſhall refuſe or neglect to pay into the exchequer the ſaid monies in ſuch manner as they are before required or enjoyned to do, or ſhall divert or miſapply any part of the ſame; or if any other officer mentioned in this act, of or belonging to the exchequer, navy or ordnance, ſhall offend againſt this act, or any clauſe thereof, by diverting or miſapplying any monies whatſoever, contrary to the true intent and meaning of this act, That then ſuch commiſſioner, governor or officer ſo refuſing or neglecting to pay, or diverting or miſapplying, as aforeſaid, ſhall forfeit and loſe his office or place, and is hereby diſabled and made uncapable to hold or execute any office or place of truſt for the future, and ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied unto any perſon or perſons who will ſue for the ſame, by any action of debt, bill, plaint or information in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, priviledge, wager of law, or more than one imparlance ſhall be granted or allowed.

Puniſhment upon officers neglecting or miſapplying.

XIX. Provided alſo, and be it enacted, That no ſtay of proſecution upon any command, warrant, motion, order or direction by *non vult ulterius proſequi*, ſhall be had, made, admitted, received or allowed by any court whatſoever, in any ſuit or proceeding by action of debt, bill, plaint or information, or otherwiſe, for the recovery of all or any the pains, forfeitures, or penalties, upon any perſon or perſons by this act inflicted, or therein mentioned, or for or in order to the conviction or diſability of any perſon offending againſt this act.

XX. *And*

XX. *And whereas by an act made in this preſent ſeſſion of parliament, intituled,* An act for granting unto their Majeſties certain impoſitions upon all *Eaſt India* goods, and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the five and twentieth day of *December*, one thouſand ſix hundred and ninety, *it is enacted, That it ſhall be lawful for any perſon or perſons to advance and lend to their Majeſties any ſum or ſums of money upon the ſecurity of the ſaid act; and whereas by another act made in this preſent ſeſſion of parliament, intituled,* An act for the continuance of ſeveral former acts therein mentioned, for the laying ſeveral duties upon wines, vinegar, and tobacco, *it is enacted, That it ſhall be lawful for any perſon or perſons to advance and lend to their Majeſties any ſum or ſums of money, as well upon the ſecurity of the ſame act, as upon the ſecurity of two former acts therein mentioned, made in the reign of the late King* James, *in ſuch manner as in the ſaid laſt mentioned act made in this preſent ſeſſion of parliament is expreſſed:* now to the end that it may appear what monies ſhall ariſe or become payable to their Majeſties by virtue of the ſaid acts, whereby the monies advanced to their Majeſties upon the credit of the ſame may be the better ſecured, be it enacted by the authority aforeſaid, That from and after the five and twentieth day of *December*, one thouſand ſix hundred and ninety, during the continuance of the ſaid acts reſpectively, there ſhall be continued, and be within the city of *London*, an office for the receipt of all the duties and ſums of money granted or payable to their Majeſties by virtue of the ſaid laſt mentioned acts, or either of them; in which office all the monies ariſing by the ſame within the port of *London*, or in the out-ports, or elſewhere, ſhall be well and truly anſwered and paid to the receiver or receivers general of their Majeſties cuſtoms, to be appointed by their Majeſties; which ſaid receiver or receivers general is and are hereby directed and required from time to time, at the ſaid office, to ſeparate and keep apart the whole receipt of the ſaid monies due and payable by virtue of the ſaid act, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety:* as alſo to ſeparate and keep apart the whole receipt of all monies granted to their Majeſties by the ſaid act, intituled, *An act for the continuance of ſeveral former acts therein mentioned, for the laying ſeveral duties upon wine, vinegar, and tobacco*; or thereby made a fund of credit as aforeſaid, as the ſame ſhall reſpectively become due, and be paid into the ſaid office by the ſeveral receivers, collectors, or any others who are or ſhall be employed to pay the ſame, and ſhall remain from time to time, after the payments which ſhall be made thereout by virtue of any laws in force, upon debentures for goods that ſhall be reſhipt, or for corn exported, or for diſcounts upon bonds, where diſcounts are allowable by law, and of ſuch allowances of damaged goods, and of bills of portage, as have uſually been made; and the com-

Cap. 5. Sef. 2. c. 4. Cap. 4. Cap. 5.

An office of receipt for cuſtoms given formerly upon Eaſt India goods and tobacco, &c. to be in London.

comptroller general of the accounts of the cuſtoms for the time being is hereby alſo required and commanded to keep perfect and diſtinct accounts, in books fairly written, of the ſaid ſeveral and reſpective duties and ſums of money, as the ſame ſhall reſpectively come in; to which books all perſons concerned ſhall have free acceſs at all ſeaſonable times, without fee or charge. And the ſaid receiver or receivers general is and are hereby required and ſtrictly enjoined, from time to time, to pay weekly, to wit, on *Wedneſday* in every week, unleſs it be an holiday, and then the next day after which ſhall not be an holiday, the ſaid ſeveral and reſpective ſums as aforeſaid, into the receipt of their Majeſties exchequer, diſtinct and apart from all the other monies which he or they ſhall receive for their Majeſties uſe: and if the receiver or receivers general for the time being ſhall refuſe or neglect to pay into the receipt of the exchequer, the ſaid ſums of money ariſing as aforeſaid, in ſuch manner as he or they are before required or enjoined to do, or ſhall divert or miſapply any part of the ſame, then he or they for any ſuch offence ſhall forfeit his or their office of receiver or receivers general, and be incapable of any office, employment, or place of truſt whatſoever, and ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied, to any perſon or perſons who ſhall ſue for the ſame, by any action of debt, bill, plaint, or information in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, or privilege, or more than one imparlance ſhall be granted or allowed.

Appropriation of the reſidue of the money.

XXI. And be it enacted by the authority aforeſaid, That out of the money which ſhall be levied and paid by virtue of this act into the receipt of the exchequer, as well upon loan as otherwiſe, the ſum of ſeven hundred thouſand pounds ſhall be applied and appropriated, and is hereby appropriated to and for the payment of ſeamen that ſhall ſerve in their Majeſties navy royal, for the year one thouſand ſix hundred ninety-one; and to and for the building of three ſhips, to be of the third rate, to contain and meaſure each of them one thouſand and fifty tons, and for providing guns, rigging, and other furniture for the ſaid ſhips; and to and for the paying for ſtores, proviſions, and victuals to be ſupplied for the ſaid navy; and to and for the expences of their Majeſties office of ordnance in reſpect to naval affairs, and for other neceſſary uſes and ſervices to be performed for the ſaid navy in the time aforeſaid; and that out of all other the money which ſhall be levied and paid into the money receipt of the exchequer, as well upon loan as otherwiſe, by virtue of this act, or any other act of this ſeſſion of parliament, for granting aids or ſupplies to their Majeſties for reducing *Ireland*, or proſecuting the war againſt *France*, other than what is as aforeſaid appropriated by this act, and the act *For granting an aid to their Majeſties of the ſum of ſixteen hundred fifty one thouſand ſeven hundred and two pounds eighteen ſhillings*, for the payment of ſeamen, and other payments relating to their Majeſties navy, the ſum of fifteen hundred thouſand pounds ſhall be applied and appropriated, and is here-

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hereby appropriated to and for the payment of their Majeſties land forces and armies that have ſerved and ſhall ſerve in *England* or *Ireland*, or elſewhere, and the paying for arms, ammunition, carriages, and all other incident charges neceſſary to the ſame, and not otherwiſe; and that all other ſums of money paid and payable into the exchequer by virtue of any of the ſaid acts, over and above the ſums appropriated to and for the uſes therein expreſſed, during their reſpective continuance, ſhall be applied and appropriated to and for the proſecution of the ſaid war againſt *France*, and the reducing *Ireland*, and the payment of the debts that ſhall be incurred by reaſon of the ſaid war, and to no other uſe or purpoſe whatſoever.

Ships to be built in a year.

XXII. Provided always, and be it enacted, That the ſaid three ſhips of war herein laſt mentioned to be built, ſhall be, and are hereby directed to be built and compleated with guns, rigging, and other furniture, within the ſpace of one year, to be accounted from the twentieth day of *March* next enſuing.

The King may diſpoſe of 500,000l. not appropriated.

XXIII. Provided always, and be it enacted, That it ſhall and may be lawful to and for their Majeſties to make uſe of any ſum or ſums of money, not exceeding five hundred thouſand pounds in the whole, granted in this preſent ſeſſion of parliament, and not particularly appropriated, ſo as the ſame be repaid and applied to the carrying on of the preſent war, out of ſuch monies as ſhall ariſe from their Majeſties revenue before the four and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety and one; any thing to the contrary thereof notwithſtanding.

CAP. XI. (21.)

An act for appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts of the kingdom. *Exp. Revived by* 5 & 6 W. & M. cap. 23. *till* 25 April, 1695. EXP.

CAP. XII. (22.)

An act for raiſing the militia of this kingdom, for the year one thouſand ſix hundred ninety and one, although the month's pay formerly advanced be not repaid. *Exp.*

CAP. XIII. (23.)

An act for preventing vexatious ſuits againſt ſuch as acted for their Majeſties ſervice, in defence of the kingdom.

WHEREAS *in this preſent year of our Lord, one thouſand ſix hundred and ninety, about the time that the coaſts of this kingdom were invaded by the* French, *the lords and others of their Majeſties moſt honourable privy council, divers lords, gentlemen, and other good ſubjects, being magiſtrates and officers, or acting in purſuance of their orders did for their Majeſties ſervice, and the ſafety of the kingdom, apprehend and impriſon ſeveral ſuſpected perſons, and did ſeize and uſe horſes and arms, and did cauſe the greateſt part of the militia of this kingdom to be raiſed, continued and maintained, otherwiſe than is authorized by the acts made in the reign of King* Charles *the Second in that behalf, and to march and to be quartered in divers places upon that occaſion: That thoſe proceedings in that extraordinary*

juncture,

juncture, and the parties concerned therein may be indemnified therefore; and for the preventing the trouble and charges which the ſaid good ſubjects might be put to by the proſecution of their Majeſties, their heirs and ſucceſſors, or by the means of vexatious ſuits of any perſon whatſoever, for and by reaſon of their actings and doings aforeſaid:

All proſecutions, &c. made void.

II. Be it enacted by the King and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That all perſonal actions, ſuits, indictments, informations, and all other proſecutions whatſoever, for or by reaſon of the premiſſes, be, and are hereby diſcharged and made void: And if any action or ſuit, hereby declared to be diſcharged, hath been or ſhall be commenced or proſecuted, every perſon ſo ſued may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if the plaintiff ſhall become nonſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him, the ſaid defendant ſhall recover his double coſts, for which he ſhall have the like remedy as in caſe where coſts by law are given to defendants.

Defendant may plead the general iſſue and recover double coſts.

CAP. XIV. (24.)

An act for the more effectual putting in execution an act, intituled, An act for prohibiting all trade and commerce with *France.* Continued by 4 & 5 W. & M. cap. 25. for three years, if the war with *France* laſt ſo long.

1 W & M. ſ. 1. c. 34.

WHEREAS *by an act made in the firſt year of their Majeſties reign, intituled,* An act for prohibiting all trade and commerce with *France, it was provided, That if any* French *wines, vinegar, brandy, linen, ſilks, ſalt, paper, and other commodities, of the growth, product, or manufacture of* France, *or of the territories or dominions of the* French *King, or any goods, commodities, or manufactures, mixed with any goods or commodities being of the growth, product, or manufacture of any of the dominions or territories of the* French *King, ſhould be imported contrary to the ſaid act, they ſhould be ſtaved, ſpilt, deſtroyed, or burnt, in ſuch manner as is by the ſaid act directed: notwithſtanding which, divers of the ſaid goods, commodities, and manufactures taken, or pretended to be taken, as prizes, have been imported, but not ſtaved, ſpilt, burnt, or deſtroyed, according to the proviſion of the ſaid act:* For remedy whereof, and for the more effectual putting the ſaid act in execution:

Penalty on officer offending.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any officer or officers of the cuſtoms or prizes ſhall wilfully or knowingly ſuffer any of the ſaid goods, commodities, or manufactures, imported as prizes or otherwiſe, contrary to the ſaid act, to be admitted to an entry, or to be imbezilled, and not ſtaved, ſpilt, burnt,

burnt, or deſtroyed, in ſuch manner as by the ſaid act is directed; every ſuch officer or officers ſhall, being thereof lawfully convicted, forfeit the ſum of five hundred pounds, whereof one moiety to be to their Majeſties, their heirs, and ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall diſcover and ſue for the ſame, and alſo ſhall for ever afterwards be incapable of having or executing any office in their Majeſties revenue.

EXP.

Penalty upon any ſelling wine in veſſels unſealed, &c.

III. And it is hereby enacted by the authority aforeſaid, That if any perſon or perſons, at any time or times from and after the firſt day of *February*, one thouſand ſix hundred and ninety, ſhall ſell, or utter by retail, in or by any glaſs bottle or bottles, or in or by any other retail meaſure, not made of pewter, and ſealed according to law, any kind of wine or wines whatſoever, or any other liquor expoſed to ſale for wine, or ſhall ſell the ſame for a greater price than by the aforementioned act is appointed, and ſhall be convicted thereof by the confeſſion of the party, or by the oath of two credible witneſſes, before one or more juſtice or juſtices of the peace of the county, city, or place where ſuch offence ſhall be committed (who are hereby required and impowered to adminiſter an oath to that purpoſe) ſuch perſon being proſecuted for ſuch offence within thirty days next after ſuch offence committed; that then every perſon ſo offending ſhall forfeit and pay for every ſuch offence the penalty and ſum of fifty ſhillings, which, if not paid upon demand, ſhall be levied by diſtreſs and ſale of the goods and chattles of every ſuch offender, by warrant under the hand and ſeal of the juſtice or juſtices before whom ſuch conviction ſhall be made; which warrant the ſaid juſtice and juſtices are hereby impowered and required to grant to the conſtable, headborough, or tythingman of the pariſh or place where ſuch offence ſhall be committed, who are hereby required and authorized immediately to levy the ſame accordingly, rendring the overplus to the owner thereof; the ſaid penalty, forfeiture, and monies ſo levied, to be given to the informer; and for want of ſufficient diſtreſs, the offender ſhall be committed to the common gaol, there to remain without bail or mainprize, until he ſhall pay the ſaid money and penalty, and all neceſſary coſts and charges of ſuch conviction and proſecution; the ſaid coſts to be taxed by the juſtice or juſtices before whom the ſaid conviction was made.

Perſon puniſhed exempt from other laws. No *Certiorari*.

IV. Provided, That where any offender ſhall be puniſhed by force of this act, he ſhall not be proſecuted, nor incur the penalty of any other law or ſtatute for the ſame offence; and that no writ or writs of *Certiorari* ſhall be granted or allowed to ſuperſede or remove any conviction or proceedings in purſuance of this act, but that execution, and all other proceedings, ſhall and may be had and made thereupon; any ſuch writ or writs, or allowance thereof notwithſtanding.

Penalty upon perſons diſturbing informers.

V. *And whereas ſeveral officers and informers have been hindred, abuſed, beaten, and wounded, to the hazard of their lives, in the due execution*

execution of their ſeveral truſts and ſervices in their reſpective places, by companies and multitudes of men; and prohibited goods have by force and violence, as well by land as by water, been forcibly carried and conveyed away; be it enacted by the authority aforeſaid, That where any officer or informer, or any other perſon or perſons impowered by this act, or the aforeſaid act of prohibition, ſhall be by any perſon or perſons forcibly hindred, abuſed, beaten, or wounded in the due execution of this or the aforeſaid act, all and every perſon and perſons ſo reſiſting, abuſing, beating, or wounding the ſaid officer or informer, or other perſons impowered thereby, or ſuch as ſhall act in their aid and aſſiſtance, ſhall by the next juſtice of the peace, or other magiſtrate, be committed to priſon, there to remain till the next quarter ſeſſions; and the juſtices of the ſaid quarter ſeſſions ſhall and are hereby impowered to puniſh the offenders by fine, not exceeding five pounds; and the offender is to remain in priſon till he be diſcharged both of the fine and impriſonment, by order of the ſaid juſtices, or any two of them.

22 & 23 Car. 2. c. 20.

CAP. XV. (25.)

30 Car. 2. ſt. 1. c. 4. An act for relief of poor priſoners for debt or damages. *Explained by* 5 & 6 W. & M. cap. 8. EXP.

Anno Regni GULIELMI & MARIÆ *tertio.*

AT *the parliament begun at* Weſtminſter *the twentieth day of* March, Anno Dom: 1689. *in the ſecond year of the reign of our ſovereign lord and lady*, William *and* Mary, *by the grace of God, of* England, Scotland, France, *and* Ireland, *King and Queen, defenders of the faith*, &c. *and from thence continued by ſeveral prorogations and adjournments to the two and twentieth day of* October, 1691. *being the third ſeſſion of this preſent parliament.*

CAP. I.

1 W. & M. ſeſſ. 1. c. 24. 1 W. & M. ſeſſ. 1. c. 22. 5 & 6 W. & M. c. 20. ſ. 48.

An act for granting to their Majeſties certain impoſitions upon beer, ale, and other liquors, for one year. Exciſe upon beer, &c. given for a year. Lodgers of carriers, &c. retailers. No private perſon ſhall brew where there is a common brewer, except he has brewed within a year, and he ſhall pay exciſe. Juſtices of peace, &c. may try crimes about exciſe. Penalties here given, how recovered. Rebate upon exportation of mum, &c. Brewer ſhall not carry away part of his guile before the whole be finiſhed, nor mix ſtrong worts with the ſmall. Exciſe charged upon the common brewer. This act in force for a year only. Officers of exciſe not to meddle in elections of parliament. Gagers to give notes of their laſt gages. *Revived by* 4 & 5 *W. & M. cap.* 5. *to continue during that act, and to the end of the next ſeſſion.* EXP.

CAP.

CAP. II.

An act for the abrogating the oath of ſupremacy in Ireland, *and appointing other oaths.*

WHEREAS *by a ſtatute made in* Ireland *in the ſecond year of the reign of our late ſovereign lady Queen* Elizabeth, *intituled,* An act for reſtoring to the crown the ancient juriſdiction over the eſtate eccleſiaſtical and ſpiritual, and aboliſhing all foreign power repugnant to the ſame, *the perſons therein mentioned are thereby obliged to take the oath in the ſaid act expreſſed:*

The oath made in Ireland, 2 Eliz. c. 1. abrogated.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth no perſon whatſoever reſiding in *Ireland* ſhall be obliged to take the ſaid oath by force or virtue of the ſaid recited ſtatute, or any other ſtatute whatſoever; but that the ſaid ſtatute, and every other ſtatute, for ſo much only as concerns the ſaid oath, ſhall be and are hereby repealed, utterly abrogated and made void.

What perſons are bound to take the new oaths.

III. And be it further enacted, That the oaths appointed, intended, or required by this act to be taken, from and after the firſt day of *January* next, in the year of our Lord one thouſand ſix hundred ninety one, be taken by the perſons herein and hereafter mentioned, and by every ſuch other perſon and perſons, as were appointed and required by the ſaid recited act, or any other ſtatute whatſoever made in *Ireland*, to take the ſaid abrogated oath, before ſuch perſon or perſons, and in ſuch court as hereafter in this act is expreſſed (that is to ſay) all and every archbiſhop and biſhop of the realm of *Ireland*, that now is, and all and every perſon of or above the degree of a baron of parliament there, and all and every other perſon and perſons inhabitants of or reſiding within the ſaid realm of *Ireland*, now having any promotion, office, or employment eccleſiaſtical, civil, or military, or receiving any pay, ſalary, fee or wages, by reaſon of any patent or grant of their Majeſties, or any of their predeceſſors, or being maſter, governor, head, or fellow of the college or univerſity of *Dublin*, or maſter of any hoſpital, or ſchool, or barriſter at law, clerk in chancery, attorney, or profeſſor of law, phyſick, or other ſcience, that ſhall inhabit, be, or reſide within the city of *Dublin*, or within thirty miles of the ſame, on the firſt day of *Hilary* term next, or at any time during the ſaid term, in their Majeſties high court of *Chancery* in that kingdom, or in the court of *King's Bench* there, in publick and open court, between the hours of nine of the clock and twelve in the forenoon; and all the ſaid perſons which inhabit at greater diſtance from the ſaid city, at the general quarter ſeſſions to be holden for that county, barony, or place in *Ireland* aforeſaid, where he or they ſhall be or reſide, in open court between the

Perſons within 30 miles of Dublin, to take them in the King's Bench.

Perſons above 30 miles off, in the ſeſſions.

ſaid hours of nine and twelve in the forenoon, at any time before the five and twentieth day of *July* next; and ſhall likewiſe make and ſubſcribe, and audibly repeat, the declaration herein and hereafter mentioned, and expreſſed; all which ſhall be put on record in the ſaid reſpective courts; and every perſon taking the ſame ſhall pay to the clerk for recording thereof, one ſhilling, and no more. And if any archbiſhop or biſhop, or any other perſon having any eccleſiaſtical dignity or promotion, or being a lecturer or curate, ſhall neglect or refuſe to take the ſaid oaths, and make and ſubſcribe the ſaid declaration, as aforeſaid, then he or they ſhall be *ipſo facto* deprived, and is and are hereby adjudged to be deprived of his and their offices, dignities, and promotions eccleſiaſtical, and incapable to be lecturer or curate in any place or cure whatſoever; and all and every other perſon having any office, or receiving any pay, ſalary, fee, or wages, by reaſon as aforeſaid, or being maſter, governor, head, or fellow of the ſaid univerſity or college, or maſter of any hoſpital, or ſchool, barriſter at law, clerk in chancery, attorney, or profeſſor of law, phyſick, or other ſcience, as aforeſaid, that ſhall neglect or refuſe to take the ſaid oaths, and make and ſubſcribe the ſaid declaration within the time, and in the manner aforeſaid reſpectively, ſhall be *ipſo facto* thenceforth adjudged uncapable and diſabled in law, to all intents and purpoſes whatſoever, to have, occupy or enjoy ſuch office, pay, ſalary, fee, wages, maſterſhip, governor's place, headſhip, fellowſhip, employment or employments, or any part of them, or any matter or thing aforeſaid, or any profit or advantage appertaining to them, or any of them; and every ſuch office and place ſhall be void, and is hereby adjudged to be void.

They muſt repeat the declaration. Clerk's fee.

Penalty upon clergymen not taking the oaths, &c.

Penalty upon other perſons offending.

IV. And be it further enacted by the authority aforeſaid, That every perſon that ſhall become a barriſter at law, attorney, clerk, or officer in chancery, or any other court, their deputy or deputies, or ſhall ſucceed or practiſe as ſuch in *Ireland*, at any time after the laſt day of *Hilary Term* next, ſhall and is hereby required to take the ſaid oaths, and make and ſubſcribe the ſaid declaration, in the court of *King's Bench* at *Dublin*, in open court in term time, between the hours aforeſaid, to be recorded as aforeſaid, before he ſhall be admitted to enjoy or exerciſe any place or office, or to practiſe or plead in any court of law or equity, or any other court of record, or not of record; and that all perſons that ſhall after the firſt day of *March* next be admitted into any office or employment, eccleſiaſtical or civil, or come into any capacity, in reſpect or by reaſon whereof they ſhould have been obliged to take the ſaid abrogated oath in the ſaid recited act mentioned, ſhall take the ſaid oaths, and make and ſubſcribe the ſaid declaration hereby appointed, hereafter expreſſed, in ſuch manner, at ſuch times, and before ſuch perſons, as they ſhould or ought to have taken the ſaid former oath, by virtue of the ſaid recited act, in caſe the ſame had not been hereby abrogated as aforeſaid.

Barriſters, &c. to take the oaths before admitted to employment.

All perſons who were to take the abrogated oath, to take this and the declaration.

V. *And*

V. *And forasmuch as great disquiet and many dangerous attempts have been made, to deprive their Majesties and their royal predecessors of the said realm of* Ireland, *by the liberty which the popish recusants there have had and taken to sit and vote in parliament*; be it enacted by the authority aforesaid, That from and after the last day of *January* next, no person that now is, or shall be hereafter a peer of that realm, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person that after the said last day of *January* shall be a member of the house of commons, shall be capable to vote in the said house, or sit there during any debate in the same, after their speaker is chosen, until he first take the oaths herein and hereafter mentioned and expressed, and make, subscribe, and audibly repeat this declaration following:

No member of either house of parliament shall sit before he has taken the new oath and declaration.

I A. B. *do solemnly and sincerely in the presence of God profess, testify, and declare, That I do believe, that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the virgin* Mary, *or any other saint, and the sacrifice of the mass, as they are now used in the church of* Rome, *are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, That I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without believing that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.*

The declaration.

VI. Which said oaths and declaration shall be in the next and every succeeding parliament to be held in *Ireland*, solemnly and publickly made and subscribed, betwixt the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers there, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there present, and their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; and that the same be done in either house in such like order or method as whereby each house is called over respectively; and during the making and subscribing thereof, and taking the said oaths, all business and debates in either house respectively shall cease; and the clerk of such house respectively is hereby required to record the same in rolls prepared for that purpose,

How the oaths are to be taken by the members.

Clerk of each house must record the oaths.

poſe, and every member of either houſe ſhall pay to ſuch reſpective clerk, for recording thereof, one ſhilling, and no more.

Puniſhment upon members of parliament, barriſters, &c. for neglecting.

VII. And be it further enacted by the authority aforeſaid, That if any perſon that now is, or hereafter ſhall be, a peer of *Ireland*, or member of the houſe of peers, or member of the houſe of commons there, or that ſhall become a barriſter at law, attorney, clerk, or officer in chancery, or any other court, and all and every deputy and deputies in any office whatſoever, ſhall preſume to offend, contrary to this act; that then every ſuch peer and member, and ſuch other perſon and perſons ſo offending, ſhall be thenceforth diſabled to hold or execute any office or place of profit, or truſt, eccleſiaſtical, civil, or military, in any of their Majeſties realms of *Ireland* or *England*, or dominion of *Wales*, or town of *Berwick* upon *Tweed*, or in any of their Majeſties iſlands or foreign plantations, to the ſaid realms belonging; and ſhall be diſabled from thenceforth to ſit or vote in either houſe of parliament of the ſaid realm of *Ireland*, or make a proxy in the houſe of peers there, or to ſue or uſe any action, bill, plaint, or information in courſe of law, or to proſecute any ſuit in any court of equity, or to be guardian of any child, or executor or adminiſtrator of any perſon, or capable of any legacy or deed of gift, and ſhall forfeit, for every wilful offence againſt this act, the ſum of five hundred pounds, to be recovered and received by him, her, or them that will ſue for the ſame, by any action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Dublin*, wherein no eſſoin, protection, or wager of law ſhall lie or be allowed, nor any more than one imparlance.

VIII. And be it further enacted, That the oaths that are intended and required to be taken by this act, are the oaths in theſe expreſs words hereafter following:

The new oaths.

I A. B. *do ſincerely promiſe and ſwear, That I will be faithful and bear true allegiance to their Majeſties King* William *and Queen* Mary:

So help me God, *&c.*

I A. B. *do ſwear, That I do from my heart abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition,* That princes excommunicated or deprived by the pope, or any authority of the ſee of *Rome*, may be depoſed or murdered by their ſubjects, or any other whatſoever. *And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate hath, or ought to have, any juriſdiction, power, ſuperiority, pre-eminence, or authority, eccleſiaſtical or ſpiritual, within this realm:*

So help me God, *&c.*

Perſons exempted.

IX. Provided always, and be it enacted, That this act ſhall not extend to any perſon now chaplain, ſecretary, or attendant to any of their Majeſties ambaſſadors, envoys, miniſters, or reſidents in any foreign courts, or preacher to any *Engliſh* factory, or

or to any chaplains in their Majeſties ſervice by ſea or land, out of the kingdom of *Ireland*, ſo as they take the oaths, and make and ſubſcribe the ſaid declaration hereby required, within three months after their return; nor to any other perſon of the proteſtant religion, now in office or place of truſt or profit out of the kingdoms of *Ireland* or *England*, who ſhall return into the ſaid realm of *Ireland*, and take the ſame at any time before the five and twentieth day of *December*, one thouſand ſix hundred ninety two, in the court of *King's Bench* there, the next term after their reſpective arrival in that kingdom. Provided always, That nothing in this act contained ſhall extend to the taking away the office or place of vice treaſurer of *Ireland* from *William Harbord* eſquire, who is now employed by their Majeſties as their ambaſſador extraordinary to mediate a peace between the *Chriſtians* and the *Turks*, but that he the ſaid *William Harbord* ſhall have liberty to take the ſaid oaths, and ſubſcribe the ſaid declaration, as are directed by this preſent act, any time within two months after his return into the ſaid kingdom of *Ireland*; any thing in this act to the contrary notwithſtanding.

Iriſh archbiſhop, &c. being in England in Hilary Term, 1691. ſhall take the oaths here, and likewiſe in Ireland.

X. And be it enacted by the authority aforeſaid, That all and every archbiſhop and biſhop in the ſaid realm of *Ireland*, and every other perſon and perſons now having any eccleſiaſtical office, dignity, or promotion, or being a lecturer or curate in the ſaid kingdom, that ſhall happen to be in this realm of *England* the firſt day of *Hilary Term*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and one, ſhall take the ſaid oaths, and make, ſubſcribe, and audibly repeat the ſaid declaration, before the end of the ſaid term, in their Majeſties court of *Chancery*, or in the court of *King's Bench*, in this realm of *England*, and ſhall again take the ſaid oaths, and make, ſubſcribe, and audibly repeat the ſaid declaration before the five and twentieth day of *July*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and two, in the court of *Chancery*, or court of *King's Bench*, in the ſaid kingdom of *Ireland*, in the morning, and between the hours of nine and twelve, where the ſame ſhall be put upon record in the ſaid reſpective courts, in manner as aforeſaid. And if any ſuch archbiſhop, or biſhop, or other perſon in any eccleſiaſtical office, dignity, or promotion, or being a lecturer or curate in the ſaid kingdom of *Ireland*, happening to be within this realm at the time aforeſaid, ſhall neglect or refuſe to take the ſaid oaths, and to make, ſubſcribe, and repeat the ſaid declaration, within either of the times before mentioned; then he or they ſhall be *ipſo facto* deprived, and is and are hereby adjudged to be deprived, of his or their archbiſhopricks, biſhopricks, and eccleſiaſtical offices, dignities, and promotions, and incapable to be lecturer or curate in any place or cure whatſoever. And all and every other perſon or perſons having any office, or receiving any pay, ſalary, fee, or wages, by reaſon of any patent or grant from their Majeſties, or any of their predeceſſors, or being maſter, governor, head of any college in the univerſity of *Dublin*, or maſter of any hoſpital

Penalty for not taking the oaths here.

All other officers in Ireland being here, ſhall take the oaths here.

or ſchool, or barriſter at law, clerk in chancery, attorney, or profeſſor of law or phyſick, or other ſcience, that ſhall reſide or inhabit in this realm on the firſt day of the ſaid *Hilary Term*, ſhall before the end of the ſaid term take the ſaid oaths, and make, ſubſcribe, and audibly repeat the ſaid declaration, in their Majeſties court of *Chancery*, or court of *King's Bench*, in this realm of *England*. And in caſe ſuch other perſon or perſons, ſo reſident and inhabiting in this realm of *England*, ſhall neglect or refuſe to take the ſaid oaths, and make, ſubſcribe, and repeat the ſaid declaration, before the end of the ſaid *Hilary Term*, he or they ſhall be *ipſo facto* thenceforth adjudged incapable, and diſabled in law, to all intents and purpoſes whatſoever, to have, occupy and enjoy ſuch office, pay, ſalary, fee, wages, maſterſhip, governor's-place, headſhip, fellowſhip, and employment or employments, or any part of them; and every ſuch office or place ſhall be void, and is hereby adjudged to be void; and if ſuch other perſon or perſons ſo reſiding or inhabiting in the realm of *England*, on the ſaid firſt day of *Hilary Term*, ſhall take the ſaid oaths, and make and ſubſcribe the ſaid declaration as aforeſaid, it ſhall be as effectual to all intents and purpoſes, as if he or they had been then reſident in *Ireland*, and had in manner, and in the time before mentioned, taken the ſaid oaths, and made, ſubſcribed, and repeated the ſaid declaration, in any of the ſaid courts of the ſaid realm of *Ireland*.

Penalty.

Perſons who were in Iriſh garriſons, and have ſubmitted to the King, ſaved.

XI. Provided always, That this act, or any thing herein contained, ſhall not extend to hinder or diſable any perſon or perſons, who on the third of *October*, one thouſand ſix hundred ninety one, were inhabiting or reſiding in *Lymerick*, or any other garriſon then in the poſſeſſion of the *Iriſh*, or any officers or ſoldiers then in arms, by virtue of any commiſſion of the late King *James*, or thoſe authorized by him to grant the ſame, in the ſeveral counties of *Lymerick*, *Clare*, *Kerry*, *Cork*, and *Mayow*, or any of them, or any commiſſioned officers then in their Majeſties quarters, that did belong to the *Iriſh* regiments then in being, or were then treated with, or who were not priſoners of war, and who had not then taken protection, and have ſince returned and ſubmitted to their Majeſties obedience, from uſing, exerciſing, and practiſing his or their profeſſion or calling of barriſter at law, clerk in chancery, or attorney or practicer of law or phyſick; but they may freely uſe, exerciſe, and practiſe the ſame, as they did in the reign of the late King *Charles* the Second; any thing herein contained to the contrary notwithſtanding.

They muſt make their claim, &c. in Michaelmas term.

XII. Provided nevertheleſs, That every ſuch barriſter at law, clerk in chancery, or attorney or practicer of law or phyſick, who ſhall claim any benefit hereby, to be exempted from taking the oaths, and making, ſubſcribing, and repeating the declaration in this act mentioned, in the court, and in the manner hereby appointed, ſhall make out his claim thereunto, according to the reſpective qualifications herein before expreſſed, before the court of *King's Bench* in *Ireland*, in open court there in

in term time, between the hours of nine and twelve in the morning, on or before the laſt day of *Michaelmas* term next, to be there allowed and recorded; for the entry whereof upon record there ſhall be one ſhilling paid, and no more; and in default of ſuch claim made, to be excluded from the ſame.

500 l. penalty and diſability upon barriſter, &c. for practiſing before he has ſworn.

XIII. Provided nevertheleſs, and be it enacted, That if any ſuch perſon, before he hath taken the ſaid oath to be faithful, and bear true allegiance to their Majeſties, in the court of *King's Bench* in *Ireland*, or at the general quarter ſeſſions of the peace in the county city or place, where ſuch perſon ſhall inhabit, and procured the ſame to be recorded, and obtained the certificate thereof, ſhall uſe, exerciſe, or practiſe ſuch his calling or profeſſion, ſhall forfeit the ſum of five hundred pounds to ſuch perſon as will ſue for the ſame in any of their Majeſties courts of record in *Ireland*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of law ſhall be allowed; and further, ſuch perſon ſo uſing or exerciſing his profeſſion or calling, ſhall be adjudged uncapable ever to uſe or exerciſe the ſaid profeſſion or calling.

Juſtices of peace muſt give the oath of allegiance to all perſons above eighteen.

XIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for two or more juſtices of the peace, whereof one ſhall be of the *quorum*, within any county, city, or town corporate in the ſaid kingdom of *Ireland*, and they are hereby required, to direct their warrant or warrants to any conſtable, tythingman, headborough, or other officer, to ſummon any perſon of the age of eighteen years or upwards, to appear before ſuch juſtices, at ſuch time and place as ſhall be mentioned in ſuch warrant, to take the oath before mentioned, to be faithful and bear true allegiance to their Majeſties: and if ſuch perſon, being ſo ſummoned, ſhall not appear at the time and place, having no lawful let or impediment, or appearing ſhall refuſe to take the ſaid oath, being tendred to him or her by the ſaid juſtices; the ſaid juſtices ſhall commit ſuch perſon making default, or refuſing to take the ſaid oath, to the common gaol or houſe of correction, there to remain without bail or mainprize for the ſpace of three months, unleſs ſuch offender ſhall pay down to the juſtices, or any of them, ſuch ſum of money, not exceeding forty ſhillings, as the ſaid juſtices ſhall require ſuch offender to pay; which money ſhall be paid to the churchwardens or overſeers of the poor of ſuch pariſh or place where ſuch offender did laſt inhabit; and at ſome time after the end of three months after ſuch default or refuſal, two or more of ſuch juſtices, as aforeſaid, ſhall have power, and are hereby required, to direct their warrant in manner as aforeſaid, to ſummon ſuch offender to appear before them to take the ſaid oath; and if ſuch offender ſhall be ſummoned, and make default at the time and place appointed, not having any lawful let or impediment, or appearing, ſhall refuſe to take the ſaid oath, being tendred to him or her; the ſaid juſtices ſhall commit ſuch offender to the common gaol or houſe of correction, there to remain for the ſpace of ſix months without bail or mainprize, unleſs

Penalty upon firſt refuſal.

Penalty upon ſecond refuſal.

ſuch offender ſhall pay down to the ſaid juſtices, or any of them, ſuch ſum of money, not exceeding ten pounds, nor under five pounds, as the ſaid juſtices ſhall require, which ſaid money ſhall be diſpoſed of to the relief of the poor of ſuch pariſh or place, in manner as aforeſaid; and unleſs ſuch offender ſhall become bound with two ſufficient ſureties, with condition to appear at the next aſſizes or general gaol delivery, to be holden for ſuch county where ſuch offender ſhall inhabit or reſide, and in the mean time to be of the good behaviour; at which aſſizes or gaol delivery the ſaid oath ſhall be tendred to ſuch offender by the juſtices of aſſize or general gaol delivery, in their open aſſizes or ſeſſions; and if upon ſuch tender ſuch offender ſhall refuſe to take the ſaid oath, he ſhall incur the danger and penalty of *præmunire*, mentioned in the ſtatute of *præmunire* in the ſixteenth year of the reign of King *Richard* the Second, except women covert, who upon refuſal of the ſaid oath ſhall be by the ſaid juſtices of aſſize, in their open aſſize or general gaol delivery, committed only to the common gaol, there to remain without bail or mainprize, till they will take the ſaid oath.

Penalty upon third refuſal.

16 R. 2. c. 5.

XV. Provided nevertheleſs, That whereas there are certain diſſenters in *Ireland* commonly called *Quakers*, who ſcruple the taking any oath, it ſhall be ſufficient for every ſuch diſſenter, he or ſhe producing a certificate under the hands and ſeals of ſix or more ſufficient men of the congregration, to which he or ſhe belongs, owning him or her for one of them, to make and ſubſcribe the following declaration:

Declarations appointed for Quakers in place of the oaths, which exempt them from the penalties.

I A. B. *do ſincerely promiſe and ſolemnly declare before God and the world, That I will be true and faithful to King* William *and Queen* Mary; *and I do ſolemnly profeſs and declare, that I do from my heart abhor, deteſt, and renounce, as impious and heretical, that damnable doctrine and poſition,* That princes excommunicated or deprived by the pope, or any authority of the ſee of *Rome*, may be depoſed or murdered by their ſubjects, or any other whatſoever. *And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate hath or ought to have any power, juriſdiction, ſuperiority, pre-eminence, or authority, eccleſiaſtical or ſpiritual, within this realm:*

And every ſuch diſſenter ſo ſubſcribing ſhall be and is hereby exempted from the penalties mentioned in this act.

Taking declaration does not make them capable of office.

XVI. Provided nevertheleſs, That no ſuch perſon called *Quaker*, ſhall by ſuch declaration and ſubſcription be capable to take, have, or hold, any office, employment, place, pay, ſalary, fee, grant, wages, or any other place of profit or truſt, whereunto any perſon taking the ſaid oaths, and making and ſubſcribing the declaration in the courts aforeſaid, ſhall or may be intitled; any thing herein contained to the contrary notwithſtanding.

This act not to be diſpenſed with.

XVII. Provided always, and be it enacted, That this act ſhall not be diſpenſed with by any warrant or letters patents under

der the great ſeal of *England* or *Ireland*; but that all ſuch warrants, and clauſes of diſpenſation thereof in any ſuch warrants or letters patents, are hereby declared to be null and void, and of no effect; any law, ſtatute, or uſage to the contrary notwithſtanding.

CAP. III.

An act for the better aſcertaining the tythes of hemp and flax. Four ſhillings per acre to be paid for tythe of flax or hemp, to be recovered as other tythes. Land diſcharged by Modus ſaved. To continue for ſeven years. — *The duty in this act is enlarged to* 5*s. by* 11 & 12 W. 3. *c.* 16. EXP.

CAP. IV.

An act for preſerving two ſhips lading of bay ſalt, taken as prize, for the benefit of their Majeſties navy. EXP.

CAP. V.

An act for granting an aid to their Majeſties of the ſum of ſixteen hundred fifty one thouſand ſeven hundred and two pounds, eighteen ſhillings, towards the carrying on a vigorous war againſt France. (3 & 4 W. & M.) EXP.

CAP. VI.

An act for raiſing money by a poll, payable quarterly for one year, for the carrying on a vigorous war againſt France. EXP.

CAP. VII.

An act for raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety and two, although the month's pay formerly advanced be not repaid. EXP.

CAP. VIII.

An act for the encouragement of the breeding and feeding of cattle.

FOR the encouragement of breeding and fatting of cattle for the common good and welfare of this kingdom, be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That from and after the firſt day of *March*, in the year of our Lord one thouſand ſix hundred ninety one, and from thence forward, it ſhall be lawful for all and every perſon or perſons, native or foreign, at any time or times, to ſhip, lade, carry, and tranſport, or export, from and out of any port, harbour, or place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, into any part of the world in amity with their Majeſties, all ſorts of beef, pork, or hog's-fleſh, butter, cheeſe, or candles, free from any cuſtom or impoſition whatſoever; the act made in the ſecond year of their preſent Majeſties, intituled, *An act for granting to their Majeſties a ſubſidy of tonnage and poundage, and other ſums of money payable upon merchandizes exported and imported*, or any other law, ſtatute, uſage, or other prohibition to the contrary thereof, in any wiſe notwithſtanding. Beef, pork, butter, cheeſe, &c. may be exported cuſtom-free. 2 W. & M. ſeſſ. 1. c. 4.

CAP.

CAP. IX.

An act to take away clergy from ſome offenders, and to bring others to puniſhment.

Any perſon convict of robbing a dwelling-houſe wherein there is any or no perſon, &c. or ſtanding mute, ſhall loſe his clergy.

FORASMUCH *as divers wicked and ill-diſpoſed perſons are encouraged to commit robberies upon men's perſons, and in their houſes, and other offenders, by the privilege, as the law now is, of demanding the benefit of their clergy*; be it therefore enacted by the King's and Queen's moſt excellent majeſties, and by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons that ſhall at any time from and after the firſt day of *March*, in the year of our Lord one thouſand ſix hundred ninety one, rob any other perſon, or ſhall feloniouſly take away any goods or chattels, being in any dwelling-houſe, the owner or any other perſon being therein, and put in fear, or ſhall rob any dwelling-houſe in the day-time, any perſon being therein, or ſhall comfort, aid, abet, aſſiſt, counſel, hire, or command any perſon or perſons to commit any of the ſaid offences, or to break any dwelling-houſe, ſhop, or warehouſe, thereunto belonging, or therewith uſed, in the day-time, and feloniouſly take away any money, goods, or chattel, of the value of five ſhillings or upwards, therein being, although no perſon ſhall be within ſuch dwelling-houſe, ſhop, or warehouſe, or ſhall counſel, hire, or command any perſon to commit any burglary, being thereof convicted or attainted, or being indicted thereof ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall peremptorily challenge above the number of twenty perſons returned to be of the jury, ſhall not have the benefit of his or their clergy.

Perſons indicted for a crime of which being convict they would not have their clergy, if they ſtand mute, &c. ſhall not have it.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever be indicted of any offence, for which, by virtue of any former ſtatute, he or they are excluded from having the benefit of his or their clergy, if he or they had been thereof convicted by verdict or confeſſion; if he or they ſtand mute, or will not anſwer directly to the felony, or ſhall challenge peremptorily above the number of twenty perſons returned to be of the jury, or ſhall be outlawed thereupon, ſhall not be admitted to the benefit of his or their clergy.

Perſons indicted of a crime as above, in a wrong county, if they ſtand mute, &c. ſhall not have it.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons hereafter be indicted of felony for ſtealing of any goods or chattel in any county within this realm of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and thereof be convicted or attainted, or upon his or their arraignment ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall challenge peremptorily above the number of twenty perſons returned to be of the jury, he or they ſhall be totally excluded from having the benefit of his or their clergy, if it appear upon evidence or examination before the juſtices, that the ſaid goods or chattel were taken by robbery or burglary, or

or in any other manner, in any other county, whereof if ſuch perſon or perſons had been convicted by a jury of the ſaid other county, he or they are excluded, by virtue of this or any other act, from having the benefit of his or their clergy.

IV. *And foraſmuch as thieves and robbers are much encouraged to commit ſuch offences, becauſe a great number of perſons make it their trade and buſineſs to deal in the buying of ſtolen goods*; be it therefore enacted by the authority aforeſaid, That if any perſon or perſons ſhall buy or receive any goods or chattel that ſhall be feloniouſly taken or ſtolen from any other perſon, knowing the ſame to be ſtolen, he or they ſhall be taken and deemed an acceſſary or acceſſaries to ſuch felony after the fact, and ſhall incur the ſame puniſhment, as an acceſſary or acceſſaries to the felony after the felony committed. Buyers of ſtolen goods reputed acceſſaries to felony.

V. *And whereas it is a frequent practice for idle and diſorderly perſons to hire lodgings with an intent to have an opportunity to take away, imbezil, or purloin the goods and furniture being in ſuch lodgings*; be it therefore enacted and declared by the authority aforeſaid, That if any perſon or perſons ſhall take away, with an intent to ſteal, imbezil, or purloin any chattel, bedding, or furniture, which by contract or agreement he or they are to uſe, or ſhall be let to him or them to uſe, in or with ſuch lodging, ſuch taking, imbezilling, or purloining, ſhall be to all intents and purpoſes taken, reputed, and adjudged to be larceny and felony, and the offender ſhall ſuffer as in caſe of felony. Stealing goods from lodgings felony.

VI. *And whereas by the laws of this realm, women convicted of felony for ſtealing of goods and chattel of the value of ten ſhillings and upwards, and for other felonies, where a man is to have the benefit of his clergy, are to ſuffer death*; be it therefore enacted and declared by the authority aforeſaid, That where a man being convicted of any felony for which he may demand the benefit of his clergy, if a woman be convicted for the ſame or like offence, upon her prayer to have the benefit of this ſtatute, judgment of death ſhall not be given againſt her upon ſuch conviction, or execution awarded upon any outlawry for ſuch offence, but ſhall ſuffer the ſame puniſhment as a man ſhould ſuffer, that has the benefit of his clergy allowed him in the like caſe; that is to ſay, ſhall be burnt in the hand by the gaoler in open court, and further be kept in priſon for ſuch time as the juſtices in their diſcretion ſhall think fit, ſo as the ſame do not exceed one year's impriſonment. Women convict of crimes for which men have their clergy, upon prayer puniſhed as men. *By 4 & 5 W. & M. c. 24. ſ. 13.* *Women to have clergy but once.*

VII. *And foraſmuch as ſuch men who have once had their clergy, and ſuch women who ſhall have once the benefit of this ſtatute, may happen to be indicted for an offence committed afterwards in ſome other county*; be it therefore enacted, That the clerk of the crown, clerk of the peace, clerk of the aſſizes, where ſuch man or woman ſhall be convicted, ſhall at the requeſt of the proſecutor, or any other in their Majeſties behalf, certify a tranſcript, briefly and in few words containing the effect and tenor of every indictment and conviction of ſuch man or woman, of his having the benefit of the clergy, or her having the benefit of this ſtatute, and Where a perſon has had his clergy in another county, clerk of the crown, &c. ſhall certify it,

and addition of every ſuch perſon or perſons, and the certainty of the felony and conviction, to the judges and juſtices in ſuch other county where ſuch man or woman ſhall be indicted, which certificate being produced in court, ſhall be a ſufficient proof that ſuch man hath before had the benefit of his clergy, and that ſuch woman hath had the benefit of this ſtatute. *Made perpetual by* 6 & 7 *W.* 3. *cap.* 14. *ſ.* 1.

CAP. X.

An act for the more effectual diſcovery and puniſhment of deer ſtealers.

13 R. 2. ſt. 1. c. 13. 19 H. 7. c. 11. 5 Eliz. c. 21. 3 Jac. 1. c. 13. 7 Jac. 1. c. 13. 13 Car. 2. ſtat. 1. c. 10. 22 & 23 Car. 2. c. 15. & 25.

WHEREAS *notwithſtanding the many good laws before this time made, and ſtill in force, which do prohibit unlawful courſing, hunting, or killing of deer; yet in as much as the penalties thereby provided, are found by daily experience not to be ſufficient to deter divers lewd, ſturdy, and diſorderly perſons, who confederate together in great numbers, making amongſt themſelves as it were a brotherhood and fraternity, whereby if any of them ſhall be diſcovered and convicted, which ſeldom happens becauſe of their great force and clandeſtine manner of combination, they by a common contribution (for the moſt part) advance and pay, for ſuch perſons ſo apprehended, the pecuniary penalties (which are but ſmall) inflicted on ſuch offenders, by reaſon whereof the other confederates eſcape diſcovery and condign puniſhment:* therefore for the more effectual diſcovery and puniſhment of ſuch perſons,

Perſon convict before a juſtice of peace of deer ſtealing, if he afterwards hunt deer forfeits 20 l.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons ſhall from and after the twenty fifth day of *March*, in the year of our Lord one thouſand ſix hundred ninety two, unlawfully courſe, hunt, take in toyls, kill, wound, or take away any red or fallow deer in any foreſt, chaſe, purlieu, paddock, wood, park, or other ground incloſed, where deer are, have, or ſhall be uſually kept, within the realm of *England*, or dominion of *Wales*, without the conſent of the owner or perſon chiefly intruſted with the cuſtody thereof, or ſhall be aiding or aſſiſting therein, and ſhall be convicted thereof by the confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes, before one or more juſtices of the peace of the ſame county wherein the offence ſhall be committed, or the party offending apprehended (which oath the ſaid juſtice or juſtices hereby are impowered to adminiſter) and ſuch perſons being proſecuted for ſuch offence within twelve months after ſuch offence done; that then every ſuch perſon ſo offending by unlawful courſing or hunting only, when no deer is taken, wounded, or killed, ſhall forfeit for every ſuch offence the ſum of twenty pounds; and in caſe any deer ſhall by ſuch perſon or perſons be wounded, taken in toyls, or killed, that for each deer ſo wounded, killed, or taken, ſuch perſon or perſons ſhall reſpectively

By 9 Geo. 1. c. 22. ſ. 13. *Proſecution may be within* 3 *years.*

For each deer wounded 30 l.

:ſpectively forfeit and pay the ſum of thirty pounds, to be levied y way of diſtreſs upon the goods and chattels of every ſuch ffender, by warrant under the juſtice or juſtices hand before rhom ſuch conviction or convictions ſhall be made, the one hird part of ſuch forfeitures to be given to the informer or in-ormers, the other part to the uſe of the poor of the pariſh where he offence ſhall be committed, and the other third part to the wner of ſuch deer; and for want of ſufficient diſtreſs, that hen ſuch perſons ſhall ſuffer impriſonment by the ſpace of one rhole year, without bail or mainprize, and ſhall be ſet in the illory by the ſpace of one hour, on ſome market day in the ext adjoining town to the place where ſuch offence was com-nitted, by the chief officer or officers of ſuch market town, or y his or their under officer or officers.

Penalty levied by diſtreſs.

Perſon to be impriſoned and pilloried for want of diſtreſs.

III. And be it further enacted, That every conſtable, head-orough, or tythingman (being thereunto authorized by the varrant of one or more juſtices of peace, under his or their ands and ſeals) ſhall and may have full power and authority and hereby is required) to enter into and ſearch (in ſuch man-er and with ſuch power as in caſe where goods are ſtolen or uſpected to be ſtolen) the houſe or houſes, out-houſes or other places belonging to ſuch houſes of ſuſpected perſons; and in aſe any veniſon or ſkin of any deer, or toyls, ſhall there be ound, ſuch officer ſhall apprehend ſuch offender, and carry im before ſome juſtice of the peace of the ſame county; nd if ſuch perſon do not give a good account how he came y ſuch veniſon, ſkins, or toyls, ſuch as ſhall ſatisfy the ſaid uſtice, or elſe ſhall not in ſome convenient time, to be ſet him y the ſaid juſtice, produce the party of whom he bought ſuch eniſon, ſkins, or toyls, or ſome other credible witneſs to epoſe upon oath ſuch ſale of the ſaid veniſon or ſkins; that hen ſuch perſon not giving ſuch good account, nor producing ny ſuch witneſs as aforeſaid, ſhall be convicted by the ſaid ju-tice of ſuch offence, who, on ſuch conviction, ſhall be ſubject nto the forfeitures and penalties hereby inflicted for the killing f any one deer, in the ſame manner as if thereof convicted as foreſaid.

Conſtables may ſearch ſuſpicious houſes by juſtice of peace his warrant.

If veniſon, &c. be found, and perſon whoſe houſe it is cannot give a good account, it is a conviction of deer ſtealing.

1 Salk. 383.

IV. And to the end that no perſons convicted of any of the ffences as aforeſaid, may eſcape puniſhment by their flight r other removal after ſuch conviction, be it further enacted y and with the authority aforeſaid, That it ſhall and may be awful for, and hereby power and authority is given (after con-iction as aforeſaid) to the conſtable or other officer, or perſon r perſons proſecuting, to detain in cuſtody ſuch offender or ffenders (in caſe he or they ſhall not preſently pay the monies lue by the ſaid conviction) during ſuch reaſonable time as a eturn may be conveniently had and made to the warrant for the liſtreſs upon ſuch conviction, ſo as ſuch detainer do not exceed wo days.

Conſtable may detain the perſon till diſtreſs returned.

V. And to the end all owners of deer in any incloſed ground nay be indemnified in the juſt defence of ſuch their right, be t enacted, That any owner of ſuch deer, or any perſon or per-

Perſons having deer in incloſed ground

ſons

may oppoſe offenders.

ſons acting by, from, and under him, ſhall and may oppoſe and reſiſt ſuch offenders in the ſame manner, and be equally indemnified for ſo doing, as if ſuch fact had been committed within any ancient chaſe or park whatſoever.

No *certiorari* except the offender give ſecurity to pay the proſecutor full coſts, &c. 1 Salk, 378. 380. *Enforced and enlarged by* 5 Geo. 1. c. 15. §. 1.

VI. *And whereas divers offenders duly convicted, do commonly procure writs of* certiorari *to remove ſuch conviction into ſuperior courts at* Weſtminſter, *in hopes thereby to diſcourage and weary out ſuch perſons injured by great delays, expences, and incertainties*; be it therefore enacted, That no *certiorari* ſhall be allowed to remove any conviction made, or other proceeding of, for, or concerning any matter or thing in this act, unleſs the party or parties againſt whom ſuch conviction ſhall be made, ſhall before the allowance of ſuch *certiorari*, become bounden to the perſon or perſons proſecuting, in the ſum of fifty pounds, with ſuch ſufficient ſureties as the juſtice or juſtices of the peace, before whom ſuch offender was convicted, ſhall think fit, with condition to pay unto the ſaid proſecutors, within one month after ſuch conviction confirmed, or a *procedendo* granted, their full coſts and damages, to be aſcertained upon their oaths; and that in default thereof it ſhall be lawful for the ſaid juſtice and juſtices, and others, to proceed to the due execution of ſuch conviction, in ſuch manner as if no *certiorari* had been awarded.

Perſons puniſhed by this act, puniſhable no other way.

VII. Provided that where any offender ſhall be puniſhed by force of this act, that he ſhall not be proſecuted, nor incur the penalty of any other law or ſtatute for the ſame offence.

Perſons ſued for any thing done by virtue of this act, to plead general iſſue.

VIII. Provided always, That if any perſon or perſons whatſoever ſhall be ſued or proſecuted for or by reaſon of any matter or thing which he or they ſhall do in purſuance of this act, it ſhall and may be lawful to and for the perſon or perſons ſo ſued or proſecuted to plead the general iſſue, and give the ſpecial matter in evidence.

Perſons convict before a juſtice for pulling down the pales of any park impriſoned for three months. *By* 5 Geo. 1. c. 15. §. 6. *ſuch offenders are ſubject to the penalty inflicted by this act for killing*

IX. Provided alſo, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall in the night-time pull down and deſtroy, or cauſe to be pulled down and deſtroyed, the pales or walls of any park, foreſt, chaſe, purlieu, paddock, wood, or other ground incloſed, where any red or fallow deer ſhall be then kept, that ſuch perſon or perſons ſo offending, being thereof convicted by the oath of one or more credible witneſs or witneſſes, before one or more juſtice or juſtices of the peace of the ſame county wherein the offence ſhall be committed, ſhall, by warrant from ſuch juſtice or juſtices as aforeſaid, ſuffer impriſonment for three months, without bail or mainprize. *one deer. By* 5 Geo. 1. c. 28. *Deer ſtealers are to be tranſported.*

CAP. XI.

An act for the better explanation and ſupplying the defects of the former laws, for the ſettlement of the poor.

13 & 14 Car. 2. c. 12.

WHEREAS *one act of parliament made in the thirteenth and fourteenth years of his late majeſty King* Charles *the Second, intituled,* An act for the better relief of the poor of this kingdom *(except what relates to the corporation therein mentioned and*

conſtituted

ıſtituted thereby) was revived and continued with ſome alterations, one other act made in the firſt year of the late King James *the Second, ıd have been found by experience to be good and wholeſome laws, but ay ſhortly expire:*

II. Be it therefore enacted by the King's and Queen's moſt ıcellent majeſties, by and with the advice and conſent of the ırds ſpiritual and temporal, and commons, in this preſent ırliament aſſembled, and by authority of the ſame, That the ıid acts, as to what relates to the ſettlements of the poor, ıall be in force from the firſt day of *March*, one thouſand ſix ındred ninety one. 13&14 Car. 2. c.12. & 1 Jac. 2. c.17. revived.

III. *But foraſmuch as the ſaid acts are ſomewhat defective and ubtful*; for ſupplying and explaining the ſame, be it further rovided and enacted by the authority aforeſaid, That the ırty days continuance of ſuch perſon in a pariſh or town, in- ıded by the ſaid acts to make a ſettlement, ſhall be accounted om the publication of a notice in writing, which he or ſhe ıall deliver, of the houſe of his or her abode, and the number f his or her family, if he or ſhe have any, to the churchwarden r overſeer of the poor, which ſaid notice in writing the ſaid hurchwarden or overſeer of the poor is or are hereby required) read, or cauſe to be read publickly, immediately after divine ervice, in the church or chapel of the ſaid pariſh or town, on he next Lord's day when there ſhall be divine ſervice in the ıme; and the ſaid churchwarden or overſeer of the poor is or re hereby required to regiſter, or cauſe to be regiſtred the ſaid otice in writing in the book kept for the poor's accounts. The note of ſettlement muſt be read in the church, and regiſtred in the poor's book.

IV. Provided always, and be it enacted, That no ſoldier, ıaman, ſhipwright, or other artificer or workman employed ı their Majeſties ſervice, ſhall have any ſettlement in any ariſh, port town, or other town, by delivery and publication f a notice in writing as aforeſaid, unleſs the ſame be after the liſmiſſion of ſuch perſon out of their Majeſties ſervice. No ſoldiers, &c. to have ſettlement before diſmiſſion.

V. And be it further enacted, That if any churchwarden or verſeer of the poor ſhall refuſe or neglect to read or cauſe to e read, ſuch notice in writing as aforeſaid, in ſuch manner, lace, and time as aforeſaid, he or they for every ſuch offence upon proof thereof by two credible witneſſes upon oath, be- ore any juſtice of the peace of the ſame county, riding, or di- iſion, city, or town corporate, where complaint thereof ſhall e made) ſhall forfeit the ſum of forty ſhillings to the uſe of the arty grieved, to be levied by diſtreſs and ſale of the offender r offenders goods, by warrant under the hand and ſeal of any uſtice of the peace within the ſaid juriſdictions reſpectively, to he conſtable of the pariſh or town where ſuch offender or of- enders dwell, the overplus, if any be, to be returned to the wner or owners, and for want of ſuch ſufficient diſtreſs, the aid juſtice ſhall commit him or them to the common gaol of he ſaid county, city, or town corporate, there to remain with- ut bail or mainprize for the ſpace of one month; and if any churchwarden or overſeer of the poor ſhall refuſe or neglect to regiſter, Penalty upon churchwarden refuſing to read or regiſter.

regiſter, or cauſe to be regiſtred, ſuch notice in writing as aforeſaid, he or they ſo offending, upon the like conviction, ſhall forfeit the ſum of forty ſhillings to the uſe of the poor of the pariſh or town where ſuch offender or offenders dwell, to be levied as aforeſaid, the overplus, if any be, to be returned to the owner or owners; and for want of ſuch ſufficient diſtreſs, then the ſaid juſtice ſhall commit ſuch offender or offenders as aforeſaid, for the time aforeſaid.

Serving as officer, or paying pariſh duties, a ſettlement.

VI. Provided always, and be it enacted, That if any perſon, who ſhall come to inhabit in any town or pariſh, ſhall for himſelf and on his own account execute any publick annual office or charge in the ſaid town or pariſh, during one whole year, or ſhall be charged with and pay his ſhare towards the publick taxes or levies of the ſaid town or pariſh, then he ſhall be adjudged and deemed to have a legal ſettlement in the ſame, though no ſuch notice in writing be delivered and publiſhed, as is hereby before required.

Service for a year, of perſon without wife or child, a ſettlement.

VII. And it is hereby further enacted, That if any unmarried perſon, not having child or children, ſhall be lawfully hired into any pariſh or town for one year, ſuch ſervice ſhall be adjudged and deemed a good ſettlement therein, though no ſuch notice in writing be delivered and publiſhed, as is herein before required.

Apprenticeſhip a ſettlement.

VIII. And it is hereby further enacted, That if any perſon ſhall be bound an apprentice by indenture, and inhabit in any town or pariſh, ſuch binding and inhabitation ſhall be adjudged a good ſettlement, though no ſuch notice in writing be delivered and publiſhed as aforeſaid.

Appeal from juſtice of peace to quarter ſeſſions, whoſe order ſhall be final.

IX. Provided always, and be it hereby enacted, That if any perſon or perſons ſhall find him, her, or themſelves aggrieved by any determination, which any juſtice or juſtices of the peace ſhall make in any of the caſes aboveſaid, the ſaid perſon or perſons ſhall have liberty to appeal to the next general quarter-ſeſſions of the peace, to be held for the ſaid county, riding, or diviſion, city, or town corporate, who upon full hearing of the ſaid appeal ſhall have full power finally to determine the ſame.

Churchwarden muſt receive a perſon removed by warrant of two juſtices of peace, upon 5l. penalty.

X. And be it further enacted, That if any perſon be removed by virtue of this act from one county, riding, city, town corporate, or liberty to another, by warrant under the hands and ſeals of two juſtices of the peace, the churchwardens or overſeers of the poor of the ſaid pariſh or town, to which the ſaid perſon ſhall be ſo removed, are hereby required to receive the ſaid perſon, and if he or they ſhall refuſe ſo to do, he or they ſo refuſing or neglecting (upon proof thereof by two credible witneſſes upon oath before any juſtice of the peace of the county, riding, city, or town corporate, to which the ſaid perſon ſhall be ſo removed) ſhall forfeit for each offence the ſum of five pounds, to the uſe of the poor of the pariſh or town from which the ſaid perſon was removed, to be levied by diſtreſs and ſale of the offender or offenders goods, by warrant under the

the hand and ſeal of any juſtice of the peace of the county, riding, city, or town corporate, to which ſuch perſon was removed, to the conſtable of the pariſh or town where ſuch offender or offenders dwell; which warrant the ſaid juſtice is hereby impowered and required to make; the overplus, if any be, to be returned to the owner or owners; and for want of ſuch ſufficient diſtreſs, then the ſaid juſtice ſhall commit the ſaid offender or offenders to the common gaol of the ſaid county, riding, city, or town corporate, or liberty, there to remain without bail or mainprize for the ſpace of forty days. Provided always, and be it hereby enacted, That all ſuch perſons who think themſelves aggrieved with any ſuch judgment of the ſaid two juſtices may appeal to the next general quarter-ſeſſions of the peace to be held for the county, riding, city, town corporate, or liberty, from which the ſaid perſon was ſo removed.

Perſons aggrieved by ſuch removal may appeal to ſeſſions.

XI. *And whereas many inconveniencies do daily ariſe in cities, towns corporate, and pariſhes, where the inhabitants are very numerous, by reaſon of the unlimited power of the churchwardens and overſeers of the poor, who do frequently upon frivolous pretences (but chiefly for their own private ends) give relief to what perſons and number they think fit, and ſuch perſons, being entered into the collection bill, do become after that a great charge to the pariſh, notwithſtanding the occaſion or pretence of their receiving collection oftentimes ceaſes, by which means the rates for the poor are daily increaſed, contrary to the true intent of a ſtatute made in the forty third year of the reign of her majeſty Queen* Elizabeth, *intituled,* An act for the relief of the poor: for remedying of which, and preventing the like abuſes for the future, be it further enacted, That from and after the firſt day of *March*, there ſhall be provided and kept in every pariſh (at the charge of the ſame pariſh) a book or books, wherein the names of all ſuch perſons who do or may receive collection ſhall be regiſtred, with the day and year when they were firſt admitted to have relief, and the occaſion which brought them under that neceſſity: and that yearly in *Eaſter* week (or as often as it ſhall be thought convenient) the pariſhioners of every pariſh ſhall meet in their veſtry or other uſual place of meeting in the ſame pariſh, before whom the ſaid book ſhall be produced, and all perſons receiving collection to be called over, and the reaſons of their taking relief examined, and a new liſt made and entred, of ſuch perſons as they ſhall think fit and allow to receive collection, and that no other perſon be allowed to have or receive collection at the charge of the ſaid pariſh, but by authority under the hand of one juſtice of peace reſiding within ſuch pariſh, or (if none be there dwelling) in the parts near or next adjoining, or by order of the juſtices in their reſpective quarter-ſeſſions, except in caſes of peſtilential diſeaſes, plague, or ſmall pox, or and in reſpect of ſuch families only as are or ſhall be therewith infected.

43 El. c. 2.

A regiſter to be kept of the admittances of the poor.

Pariſhioners yearly in Eaſter week ſhall make a liſt of their poor.

None but thoſe in the liſt to receive alms, except by order of juſtice of peace, &c.

Farther proviſions relating hereto, 9 Geo. 1. c. 7. ſ. 1.

XII. *And whereas many churchwardens and overſeers of the poor, and other perſons intruſted to receive collections for the poor, and other*

publick monies relating to the churches and parishes whereunto they do belong, do often misspend the said monies, and take the same to their own use, to the great prejudice of such parishes, and the poor, and other inhabitants thereof; and because that many times the judges, when actions are brought against such churchwardens and overseers, to recover the monies so misspent, taken, or misapplied by the persons aforesaid, refuse to admit the parishioners to be witnesses in such cases, who are the only persons that can make proof thereof: wherefore to prevent all such evil and deceitful practices of churchwardens, and overseers, and other persons, be it enacted and declared, That in all actions to be brought in their Majesties courts of record at *Westminster*, or at the assizes, for the recovery of any sum or sums of money so misspent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, or any of them, other than of such as receive alms or any pension or gift out of such collections or publick monies of such parish or parishes respectively, whereof the defendant or defendants is or are inhabitant or inhabitants, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

Parishioners, except almsmen may be evidence against churchwardens, &c. of their misspending the poor's money.

CAP. XII.

An act for the repairing and amending the highways, and for settling the rates of carriage of goods.

WHEREAS *the free and easy intercourse and means of conveying and carrying goods and merchandizes from one market-town to another, contributes very much to the advancement of trade, increase of wealth, and raising the value of lands, as well as to the ease and convenience of the subject in general; for which ends therefore divers good and necessary laws have been heretofore made for the enlarging, repairing, and amending the highways and common roads of this kingdom: notwithstanding which laws, the same are not in many parts sufficiently amended and repaired, but remain almost impassable; all which is occasioned, not only by reason of some ambiguities in the said laws, but by want of a sufficient provision to compel the execution of the same*; for remedy whereof:

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every law and statute now in force, for or touching the enlarging, repairing, or amending highways and common roads, and every article and thing in them contained, and not herein and hereby altered or repealed, shall be duly put in execution, according to the tenor of the said laws, and under the penalties therein contained, to be raised, levied, and disposed of, as in and by the said laws is directed.

All laws about highways to be put in execution.

III. And be it further enacted by the authority aforesaid, That from henceforth, upon the six and twentieth day of *December* in every year, unless that day shall be *Sunday*, and then on the seven and twentieth, the constables, headboroughs, tythingmen,

Parishioners annually to make a list of sufficient persons upon 26 of December.

tythingmen, churchwardens, ſurveyor or ſurveyors of the high-ways, and inhabitants in every pariſh, ſhall aſſemble together, and the major part of them as are ſo aſſembled ſhall make a liſt of the names of a competent number of the inhabitants in their pariſh, who have an eſtate in lands, tenements, or hereditaments, in their own right or their wives, of the value of ten pounds by the year, or a perſonal eſtate of the value of one hundred pounds, or are occupiers or tenants of houſes, lands, tenements, or hereditaments, of the yearly value of thirty pounds, if any ſuch there be, or if there be no ſuch perſons in the pariſh, then the ſaid liſt to be of the moſt ſufficient inhabitants of ſuch pariſh; and ſhall return ſuch liſt unto two or more of the juſtices of the peace in or near the diviſion of the county in which their pariſh lies, at a ſpecial ſeſſions to be held for that purpoſe within the ſaid diviſion, on the third day of *January* next following, unleſs it ſhall happen on a *Sunday*, and then to be the fourth of the ſame month, or within fifteen days after: for which purpoſe the ſaid juſtices are hereby authorized and required to hold a ſpecial ſeſſions at ſome place within that diviſion where the pariſh lies, and to give notice of the time and place where they intend to hold the ſame, to the conſtables, headboroughs, tythingmen, churchwardens, and ſurveyors of the highways of every pariſh within the ſaid diviſion, at leaſt ten days before the holding of the ſaid ſeſſions; and the ſaid juſtices ſhall then and there, out of the ſaid liſts, according to their diſcretion, and the largeneſs of the pariſh, by warrant under their hands and ſeals, nominate and appoint one, two, or more, as they ſhall think fit and approve of, being of like ſufficiency as aforeſaid, to be ſurveyor or ſurveyors of the highways of every pariſh within the diviſion, or for any hamlet, precinct, liberty, tything, or town, of and in the ſame diviſion for the year enſuing; which nomination and appointment ſhall, by the conſtables, headboroughs, tythingmen, or ſurveyors of the highways for the time being, or ſome of them, be notified to the perſon or perſons ſo nominated, choſen, and appointed by the ſaid juſtices, within ſix days after ſuch nomination, by ſerving him or them with the ſaid warrant or warrants, or by leaving the ſame, or a true copy thereof, at his or their houſes or uſual places of abode; and from thenceforth the perſon or perſons, ſo nominated and appointed, ſhall be ſurveyor or ſurveyors of the highways for the pariſh, town, village, hamlet, precinct, or tything, for which he ſhall have been ſo nominated, choſen, and appointed, for the year enſuing, and ſhall take upon him and them reſpectively, and duly execute, the ſaid office, according to the laws and ſtatutes heretofore made for the enlarging, amending, or repairing of highways, and alſo this preſent act; and if the ſaid perſons ſo nominated, and ſerved with the ſaid warrant, ſhall refuſe or neglect ſo to do, he or they ſo refuſing and neglecting ſhall forfeit the ſum of five pounds, to be levied on his or their goods and chattels, by diſtreſs and ſale of the ſame, by warrant under the hand and ſeal

Liſt to be returned to two juſtices on the third of Jan. &c.

Juſtices ſhall hold a ſeſſions, where they ſhall nominate one or more to be ſurveyors of the highways.

Conſtable to ſerve the nomination.

5l. Penalty upon nominees refuſing, &c. after ſervice.

ſeal of two or more juſtices of the peace of the ſame diviſion, or in default thereof any neighbouring juſtices of the peace for the ſaid county, which warrant the ſaid juſtices are hereby impowered and required to make upon information of any one credible witneſs upon oath; the one moiety of which ſaid forfeiture ſhall go to him that ſhall inform, and the other moiety for and towards the repair of the highways of the ſame pariſh, rendring the overplus, if any be, to the party or parties whoſe goods ſhall be diſtrained, the charges of the diſtreſs and ſale being firſt deducted; and in caſe of ſuch neglect or refuſal as aforeſaid, the ſaid juſtices are hereby impowered to nominate and appoint ſome other fit perſon or perſons to perform the ſaid office, who, upon like notice of ſuch nomination and appointment, ſhall take upon him or them and duly execute the ſaid office, and if he or they neglect or refuſe ſo to do, ſhall forfeit the like ſum of five pounds, to be levied and diſpoſed of as aforeſaid; and if the conſtables, headboroughs, tythingmen, churchwardens, and ſurveyor or ſurveyors of the highways of any pariſh, town, liberty, or precinct, or ſome of them, ſhall not return the ſaid liſt of names, in ſuch manner as in this act is directed, every of them ſo neglecting ſhall forfeit the ſum of twenty ſhillings, to be levied in the manner, and employed to the uſes aforeſaid.

Juſtices may appoint other perſons after refuſal.

20s. Penalty upon conſtables, &c. not returning a liſt.

5s. Penalty upon perſons laying timber, &c. in the highway.

IV. And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall lay in any highway, not being twenty foot broad, any ſtone, timber, ſtraw, dung, or other matter, whereby the ſame ſhall be any ways obſtructed or annoyed, on pain to forfeit for every ſuch offence the ſum of five ſhillings, to be levied and diſpoſed of as is aforeſaid.

Owner of land adjoining ſhall take away timber, &c. lying in the highway.

V. And be it further enacted by the authority aforeſaid, That if any timber, ſtone, hay, ſtraw, ſtubble, or other matter for the making of dung, or on any other pretence whatſoever, ſhall be laid in any ſuch highway as aforeſaid, whereby the ſame ſhall be any ways obſtructed or annoyed, the owners or poſſeſſors of the lands next adjoining to the ſame ſhall clear the ſaid way by removing the ſaid timber, ſtone, hay, ſtraw, dung, or other matter, and have, take, and diſpoſe of the ſame to his and their own uſe; and if any ſuch owner or occupier of lands next adjoining to the ſaid highways, ſhall neglect to clear the ſaid ways of the ſaid nuſances, or to cleanſe or ſcower their ditches, gutters, and drains, adjoining to the ſaid highways, or cauſe the earth taken out thereof to be carried away, and lay ſufficient trunks, tunnels, or bridges, where any cartways are, into the ſaid grounds, for the ſpace of ten days after notice to him, her, or them given by the ſaid ſurveyors, or any of them, he, ſhe, or they, ſo neglecting ſhall for every ſuch offence forfeit the ſum of five ſhillings, to be levied and diſpoſed of in manner aforeſaid.

Penalty for neglecting.

5s. Penalty upon owner not ſtubbing up trees, &c.

VI. And be it further enacted by the authority aforeſaid, That no tree, buſh, or ſhrub, ſhall be permitted to ſtand or grow in any highway not full twenty foot broad, but the ſame ſhall

ſhall be cut down, grubbed up, and carried away, by the owner or owners of the land or ſoil where the ſame doth or ſhall ſtand or grow, within ten days after notice to him or them given by the ſaid ſurveyors, or any of them, on pain to forfeit for every neglect the ſum of five ſhillings, to be levied and diſpoſed of as is aforeſaid.

Poſſeſſors ſhall prune the hedges.

VII. And be it further enacted by the authority aforeſaid, That the poſſeſſors of the land next adjoining to ſuch highways, where they are not twenty foot broad, ſhall from time to time, and at all times, keep their hedges plaſht, cut, or pruned, ſo as no tree, buſh, or ſhrub, ſhall ſtand or grow in ſuch highway, nor any bough or branch be ſuffered to hang over the ſame, or any part thereof; but the ſaid hedges ſhall be kept cut and pared right up from the roots, and not permitted in any ſort to ſpread into or hang over the highway, or any part thereof, to the end that there may be a free and clear paſſage for travellers, and all ſorts of carriages loaden, without being any ways prejudiced or obſtructed by any hedges, trees, boughs, or branches whatſoever, and that the ſun may freely ſhine into the ſaid ways, to dry and amend the ſame.

Surveyor ſhall preſent the ſtate of the highways to a juſtice every four months.

VIII. And be it further enacted by the authority aforeſaid, That every ſurveyor of the highways, appointed as in and by this act is directed, ſhall within fourteen days next after his firſt acceptance of the ſaid office, and ſo from time to time every four months, during his being ſurveyor, take a view of all the roads, common highways, watercourſes, bridges, cauſeways, and pavements within the pariſh, town, village, hamlet, precinct, or tything, for which he is appointed ſurveyor, that are to be repaired by the ſaid pariſh, town, village, hamlet, precinct, or tything, and ſhall make a preſentment upon oath, in what ſtate and condition he finds the ſame reſpectively, to ſome juſtice of the peace of the ſame diviſion, if then reſident there, otherwiſe to ſome neighbouring juſtice of the peace for the ſaid county, and in default thereof ſhall incur the penalty aforeſaid, as if he or they had refuſed or neglected to accept and execute the ſaid office, unleſs he ſhall have ſome reaſonable excuſe for omitting the ſame, to be allowed of by two juſtices of the peace of the ſame diviſion of the county, or in default thereof by the two neighbouring juſtices; and what defaults or annoyances they ſhall find in any of the ſaid highways, cauſeways, bridges, ditches, hedges, trees, watercourſes, drains, or gutters, next adjoining to the ſame, they ſhall from time to time, the next *Sunday* immediately after ſermon ended, give publick notice of the ſame in the pariſh church, and if the ſame ſhall not be removed, repaired, and amended, within thirty days after ſuch notice given, that then the ſaid ſurveyor or ſurveyors of the ſaid highways ſhall within thirty days remove, repair, and amend the ſame, and diſpoſe of the ſame annoyances to and for the repair of the ſaid highways; and the ſaid ſurveyor and ſurveyors ſhall be reimburſed what charges and expences they ſhall be at in ſo doing, by the parties who ſhould have done the ſame;

Neglect puniſhed as refuſal. *By* 1 Geo. 1. ſtat. 2. c. 52. ſ. 2. *neglects of labourers to be alſo preſented.*

Defaults publiſhed in the church, and if not amended within 30 days, ſurveyor ſhall repair them, and be repaid by the perſon who ought to repair.

and in caſe the ſaid parties ſhall upon demand refuſe or neglect to pay the ſaid ſurveyors their ſaid charges, then the ſaid ſurveyors ſhall apply him or themſelves to any juſtice of the peace within the diviſion of the county wherein ſuch highway is, and in default thereof, to any neighbouring juſtice for the ſaid county, and upon his or their making oath before ſuch juſtice of the notice to the defaulter in manner aforeſaid (which oath the ſaid juſtice is impowered and required to adminiſter) that then the ſaid ſurveyors ſhall be repaid all ſuch their charges as ſhall be allowed to be reaſonable by the ſaid juſtice, to be levied in manner aforeſaid.

How the ſurveyor ſhall recover his diſburſements.

IX. And be it further enacted by the authority aforeſaid, That the juſtices of the peace of every county ſhall in their reſpective diviſions once in four months hold a ſpecial ſeſſions, and ſhall thereunto ſummon all the ſurveyors of highways within that diviſion to come before them, and ſhall give them a charge to do their duty, and declare to them what they are obliged to do by virtue of this or any former act; after which the ſaid ſurveyors of the highways ſhall make a preſentment to them upon oath (which oath the ſaid juſtices are hereby impowered to give) of the ſtate and condition of the highways within their reſpective pariſhes, towns, villages, hamlets, precincts, or tythings, for which they are appointed ſurveyors, and what offences and neglects any are guilty of, contrary to the meaning of this or any other ſtatute made concerning the highways, or any thing relating thereunto; and before any ſurveyor of the highways, ſhall go out or be diſcharged from his office, he ſhall at ſome ſuch ſpecial ſeſſions of the ſaid juſtices, to be held as aforeſaid, give an account upon oath of all money that has come to his hands, which ought to be employed in amending of the highways, and how he hath diſpoſed of the ſame; and in caſe any monies ſhall remain in his hands, he ſhall deliver the ſame to the ſurveyors of the highways that ſhall ſerve for the ſame pariſh, town, village, hamlet, precinct, or tything, for the year enſuing, and in caſe of failure, to forfeit the double value of what ſhall be adjudged to be in his hands by the ſaid juſtices, to be levied and diſpoſed of as is aforeſaid.

Juſtices of peace once in 4 months to hold a petty ſeſſions, where they are to receive preſentments, and take the accounts of the ſurveyors.

Penalty upon ſurveyor, not paying ſurplus money to his ſucceſſors.

X. And be it further enacted by the authority aforeſaid, That if any ſurveyor of the highways, after his acceptance of his ſaid office, ſhall neglect his duty in any thing required of him by this act, he ſhall forfeit for every ſuch offence the ſum of forty ſhillings, to be levied and diſpoſed of as is aforeſaid.

40s. Penalty upon ſurveyors neglect.

XI. And be it further enacted by the authority aforeſaid, That if any juſtice of the peace ſhall neglect or refuſe to do what is required of him by this act, ſuch juſtice ſo neglecting or refuſing ſhall forfeit the ſum of five pounds; one moiety whereof ſhall go to the perſon that ſhall ſue for the ſame, the other moiety to be employed to and for the repair and amendment of the highways of the pariſh where the perſon who ſhall ſue

5l. Penalty upon the neglect of juſtice of peace.

ſue for the ſame inhabits, to be recovered in any of their Majeſties courts of record, by action of debt, bill, plaint, or information, in which no privilege, protection, or wager of law ſhall be allowed, or more than one imparlance.

XII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyors of the highways aforeſaid, where the ditches and drains already made are not ſufficient to carry off the water that lies upon the highways, to make new ditches and drains in and through the lands next adjoining to the ſaid highways, and keep them ſcoured, cleanſed, and open, and come upon any of the ſaid lands with their workmen for ſo doing. Surveyors may make new ditches in lands adjoining.

XIII. *And whereas divers pariſhes and townſhips have not any gravel, ſtones, quarries, nor any other materials fitting or convenient for the amending or repairing of the highways within the ſaid pariſhes and townſhips, by reaſon whereof the ſurveyors of the highways of ſuch pariſhes and townſhips are forced to lay out their own money for the buying of ſuch materials as are neceſſary for that purpoſe; and there being no proviſion made in or by any law now in force, for the reimburſing the ſaid ſurveyors the monies they have ſo laid out:* For remedy whereof be it further enacted by the authority aforeſaid, That upon notice given by the ſurveyor or ſurveyors of the highways to the juſtices of the peace at their ſpecial ſeſſions, and oath made of what ſum or ſums of money he or they have or hath ſo laid out and expended upon amending and repairing of the ſaid highways, the juſtices of the peace, or any two of them, at their ſpecial ſeſſions, are hereby impowered, by warrant under their hands and ſeals, to cauſe an equal rate to be made for the reimburſing the ſaid ſurveyor or ſurveyors the monies by him or them laid out as aforeſaid, upon all the inhabitants of ſuch pariſh or townſhips, where ſuch monies are ſo expended, according to the rules and methods preſcribed in an act of parliament made in the three and fortieth year of the reign of the late Queen *Elizabeth*, intituled, *An act for the better relief of the poor of this kingdom*, which rate being confirmed and allowed by the ſaid juſtices in their ſpecial ſeſſions, ſhall be collected and gathered by the ſaid ſurveyor or ſurveyors of the highways; and if any perſon or perſons refuſe to pay the monies ſo aſſeſſed on him or them, that then the ſame ſhall be levied by the ſaid ſurveyors by diſtreſs and ſale of the goods and chattels of the perſons ſo refuſing, rendring to the party the overplus, reaſonable charges for making the ſaid diſtreſs firſt to be deducted. Surveyor laying out money for gravel, ſtones, &c. ſhall be repaid by an equal rate, to be levied by diſtreſs. 43 Eliz. c. 2.

XIV. *And whereas in purſuance of the ſtatute made in the fifth year of the reign of the late Queen* Elizabeth, *many pariſhes and places are oftentimes preſented upon the knowledge and view of a juſtice of peace, or otherwiſe, for not repairing and amending their highways, and the fines impoſed and ſet on ſuch preſentments, and other fines and iſſues for not repairing and amending the highways, are returned into the court of* Exchequer, *or other courts, and ſuch fines and iſſues againſt ſuch pariſhes for not amending their highways, are levied on ſome particular inhabitants of ſuch pariſhes or places, and* 5 Eliz. c. 13. Fines ſhall be paid to the ſurveyor, and not returned into the exchequer.

there being no proviſion made for the making of a rate to reimburſe ſuch particular inhabitants; be it therefore further enacted by the authority aforeſaid, That no fine, iſſue, penalty, or forfeiture, ſhall hereafter be returned into the court of *Exchequer*, or other court, but ſhall be levied and paid into the hands of the ſurveyors of ſuch pariſh or place, to be applied towards the repair and amendment of ſuch highway; and that if any fine, penalty, or forfeiture, impoſed on any pariſh or place for not repairing the highways, ſhall hereafter be levied on any one or more of the inhabitants of ſuch pariſh or place, that then ſuch inhabitant or inhabitants ſhall make his or their complaint to the juſtices of the peace at their ſpecial ſeſſions, and the ſaid juſtices, or any two of them, are hereby impowered and authorized, by warrant under their hands and ſeals, to cauſe a rate to be made, according to the form and manner aforeſaid, for the reimburſing ſuch inhabitant or inhabitants the monies ſo levied on him or them as aforeſaid, which rate ſo made and confirmed by two juſtices, as aforeſaid, ſhall be collected and levied by the ſurveyor or ſurveyors of the highways of ſuch pariſh or place ſo preſented or indicted as aforeſaid, and the ſaid ſurveyor or ſurveyors, ſhall within one month next after the making and confirming the rate aforeſaid, pay unto the inhabitant or inhabitants ſuch money ſo levied on him or them as aforeſaid.

If fine laid upon one inhabitant, how he ſhall be repaid.

All cart ways to be 8 foot wide.

XV. And be it enacted by the authority aforeſaid, That the ſurveyors of the highways ſhall and are hereby required to make every cart way leading to any market town, eight foot wide at the leaſt, and, as near as may be, even and level.

Inhabitants within the weekly bills, what carts they may uſe. *See* 2 W. & M. ſt. 2. c. 8. ſ. 19. *Rep.* 18 Geo. 2. c. 33.

XVI. Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any inhabitant of any of the pariſhes within the weekly bills of mortality, who dwells off from the pavement, or uſes his carts as well off as upon the pavement, and to and for any brewer, and to and for any ſcavenger, or other perſon employed in carrying away the dirt and ſoil of the ſtreets, lanes, and alleys, to make uſe of any cart, car, or dray, with wheels ſhod with iron, and narrower than ſix inches in the fellies, and drawn with more than two horſes; any act of parliament, law, or uſage to the contrary in any wiſe notwithſtanding.

Juſtices may in ſeſſions order an aſſeſſment to be made, to repair the ways. *Explained by* 1 Geo. 1. ſtat. 2. c. 52. ſ. 6.

XVII. And be it further enacted by the authority aforeſaid, That where the juſtices of the peace of any county, city, borough, or other place, or the major part of them, at their general or quarter ſeſſions, ſhall be fully ſatisfied, that the common highways, cauſeways, bridges, ſtreets, or pavements, within any pariſh, townſhip, hamlet, or other place within their reſpective juriſdiction, cannot otherwiſe be ſufficiently amended, repaired, paved, cleanſed, and ſupported, by means of the laws now in force, without the help of this preſent act, in all ſuch caſes, one or more aſſeſſment or aſſeſſments upon all and every the inhabitants, owners, and occupiers of lands, houſes, tenements, and hereditaments, or any perſonal eſtate uſually rateable

rateable to the poor, within any ſuch pariſh, townſhip, hamlet, or other place, ſhall be made, levied, collected, and allowed by ſuch perſon and perſons, and in ſuch manner, as the ſaid juſtices by their order at ſuch ſeſſions ſhall direct and appoint in that behalf; and the money thereby raiſed ſhall be employed and accounted for according to the orders and directions of the ſaid juſtices, for and towards the amending, repairing, paving, cleanſing, and ſupporting ſuch highways, cauſeways, ſtreets, pavements, and bridges, from time to time, as need ſhall require; and the ſaid aſſeſſments ſhall be levied by diſtreſs and ſale of the goods of every perſon ſo aſſeſſed (not paying the ſame within ten days after demand) rendring the overplus of the value of the goods ſo diſtrained, to the owner and owners thereof; the neceſſary charges of making and ſelling ſuch diſtreſs being firſt deducted.

Aſſeſſment not to exceed 6d. in the pound.

XVIII. Provided nevertheleſs, and be it enacted, That no ſuch aſſeſſment or aſſeſſments, to be made in any one year, ſhall exceed the rate of ſix pence in the pound of the yearly value of any lands, houſes, tenements, and hereditaments ſo aſſeſſed, nor the rate of ſix pence for twenty pounds in perſonal eſtate.

Perſons aggrieved may appeal to the ſeſſions.

XIX. Provided always, That if any perſon or perſons ſhall find him or themſelves aggrieved with any aſſeſſment or rate, or other act, by the ſaid juſtices of peace, that then it ſhall be lawful for the juſtices of the peace at their general quarter ſeſſions, or the greater number of them, to take ſuch order therein as to them ſhall be thought convenient, and the ſame to conclude and bind all the ſaid parties.

Perſon hereby puniſhed, to be proſecuted within ſix months, and puniſhable no other way.

XX. Provided alſo, That no perſon ſhall be puniſhed for any offence againſt this act, unleſs ſuch offender be proſecuted for the ſame within ſix months after the offence committed; and that no perſon, who ſhall be puniſhed for any offence by virtue of this act, ſhall be puniſhed for the ſame offence by virtue of any other act or law whatſoever.

Breadth of horſe cauſeways.

XXI. And be it further enacted and declared by the authority aforeſaid, That no horſe cauſeway, or cauſeway for horſes travelling upon or in any publick highway, be leſs or under three foot in breadth.

Middleſex juſtices may make rates to pave Kenſington.

XXII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the juſtices of the peace of the county of *Middleſex*, at their general quarter ſeſſions, to make rates for the paving the town of *Kenſington* within the ſaid county, in all ſuch places thereof as they ſhall think convenient, and to amend, repair, and cleanſe the ſame, upon old ſtreets and houſes, as well as new, in ſuch manner as is directed by one act made in the ſecond year of their Majeſties reign, for paving and cleanſing the ſtreets in the cities of *London* and *Weſtminſter*.

No *Certiorari* of any order, &c. upon this act.

XXIII. And be it further enacted by the authority aforeſaid, That all matters concerning highways, cauſeways, pavements, and bridges, mentioned in this act, ſhall be determined in the county

county where the ſame do lie, and not elſewhere: And that no preſentment, indictment, or order, made by virtue of this act, ſhall be removed by *Certiorari* out of the ſaid county into any other court.

Juſtices once a year to ſettle the rates of carriage.

XXIV. *And whereas divers waggoners and other carriers, by combination amongſt themſelves, have raiſed the prices of carriage of goods in many places to exceſſive rates, to the great injury of trade*; be it therefore enacted by the authority aforeſaid, That the juſtices of the peace of every county and other place within the realm of *England*, or dominion of *Wales*, ſhall have power and authority, and are hereby injoined and required, at their next reſpective quarter or general ſeſſions after *Eaſter* day yearly, to aſſeſs and rate the prices of all land carriage of goods whatſoever, to be brought into any place or places within their reſpective limits and juriſdictions, by any common waggoner or carrier, and the rates and aſſeſſments ſo made, to certify to the ſeveral mayors and other chief officers of each reſpective market town within the limits and juriſdictions of ſuch juſtices of the peace, to be hung up in ſome publick place in every ſuch market town, to which all perſons may reſort for their information; and that no ſuch common waggoner or carrier ſhall take for carriage of ſuch goods and merchandizes above the rate and prices ſo ſet, upon pain to forfeit for every ſuch offence the ſum of five pounds, to be levied by diſtreſs and ſale of his and their goods, by warrant of any two juſtices of the peace where ſuch waggoner or carrier ſhall reſide, in manner aforeſaid, to the uſe of the party grieved.

5 l. penalty upon carrier, taking above the rate.

Perſons proſecuted for executing this act, may plead general iſſue, and have double coſts.

XXV. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be hereafter commenced or proſecuted againſt any perſon or perſons by this act authorized to put the ſame in execution, every perſon or perſons ſo ſued may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if the plaintiff ſhall become nonſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him or her, the ſaid defendant and defendants ſhall recover his and their double coſts, for which he and they ſhall have the like remedy, as in caſes where coſts by law are given to defendants.

CAP. XIII.

EXP.

An act againſt correſponding with their Majeſties enemies. During the preſent war, exporting of any arms, &c. into France, high treaſon, &c.

CAP. XIV.

An act for relief of creditors againſt fraudulent deviſes.

1 Wms. 99. 100. 679. 680. 779. Kinaſton v. Clarke, in Chan. Trin. Vac. 1741. Galton v Hancock, in Chan. 24 June, 1744.

WHEREAS *it is not reaſonable or juſt, that by the practice or contrivance of any debtors their creditors ſhould be defrauded of their juſt debts; and nevertheleſs it hath often ſo happened that where ſeveral perſons having by bonds or other ſpecialties bound themſelves and their heirs, and have afterwards died ſeized in fee-ſimple of and in manors, meſſuages, lands, tenements, and hereditaments, or*

had

or authority to diſpoſe of or charge the ſame by their wills nts, have to the defrauding of ſuch their creditors, by their er teſtaments deviſed the ſame, or diſpoſed thereof in ſuch s ſuch creditors have loſt their ſaid debts: For remedying , and for the maintenance of juſt and upright dealing, it enacted and declared by the King's and Queen's Wills fraudu- xcellent majeſties, by and with the advice and con- lent againſt ie lords ſpiritual and temporal, and commons, in this creditors. arliament aſſembled, and by authority of the ſame, wills and teſtaments, limitations, diſpoſitions, or ap- its, of or concerning any manors, meſſuages, lands, s, or hereditaments, or of any rent, profit, term, or it of the ſame, whereof any perſon or perſons, at the is, her, or their deceaſe, ſhall be ſeized in fee-ſimple, ion, reverſion, or remainder, or have power to diſpoſe me by his, her, or their laſt wills or teſtaments, to be er the five and twentieth day of *March*, in the year of l God one thouſand ſix hundred ninety and two, ſhall ed and taken (only as againſt ſuch creditor or creditors id, his, her, and their heirs, ſucceſſors, executors, ad- ors, and aſſigns, and every of them) to be fraudulent, ly, abſolutely, and utterly void, fruſtrate, and of none ny pretence, colour, feigned or preſumed conſideration her matter or thing to the contrary notwithſtanding.

nd for the means that ſuch creditors may be enabled to Debt upon heir ſaid debts, be it further enacted by the authority bond jointly , That in the caſes before mentioned, every ſuch credi- ſuable againſt and may have and maintain his, her, and their action the heir and ns of debt, upon his, her, and their ſaid bonds and deviſee of an s, againſt the heir and heirs at law of ſuch obligor or obligor. , and ſuch deviſee or deviſees, jointly by virtue of this l ſuch deviſee or deviſees ſhall be liable and charge- Deviſee a falſe plea by him or them pleaded, in the ſame man- chargeable for ny heir ſhould have been for any falſe plea by him a falſe plea, as or for not confeſſing the lands or tenements to him an heir. d.

rovided always, and be it enacted by the authority a- Deviſe for raiſ- That where there hath been or ſhall be any limitation ing portions, ntment, deviſe or diſpoſition, of or concerning any ma- purſuant to a effuages, lands, tenements, or hereditaments for the marriage con- r payment of any real and juſt debt or debts, or any tract, good. r portions, ſum or ſums of money, for any child or of any perſon, other than the heir at law, according r purſuance of, any marriage contract or agreement in *bona fide* made before ſuch marriage, the ſame and every ſhall be in full force; and the ſame manors, meſſuages, enements, and hereditaments, ſhall and may be holden yed by every ſuch perſon or perſons, his, her, and rs, executors, adminiſtrators, and aſſigns, for whom the itation, appointment, deviſe, or diſpoſition was made, his, her, and their truſtee or truſtees, his, her, and

their

their heirs, executors, adminiſtrators, and aſſigns, for ſuch eſtate or intereſt as ſhall be ſo limited or appointed, deviſed or diſpoſed, until ſuch debt or debts, portion or portions, ſhall be raiſed, paid, and ſatisfied; any thing in this act contained to the contrary notwithſtanding.

If the heir alienes before action brought, he ſhall be liable to the value of the land.

V. *And whereas ſeveral perſons being heirs at law, to avoid the payment of ſuch juſt debts, as in regard of the lands, tenements, and hereditaments deſcending to them they have by law been liable to pay, have ſold, alicned, or made over ſuch lands, tenements, or hereditaments, before any proceſs was or could be iſſued out againſt them*; be it further enacted by the authority aforeſaid, That in all caſes where any heir at law ſhall be liable to pay the debt of his anceſtor in regard of any lands, tenements, or hereditaments deſcending to him, and ſhall ſell, aliene, or make over the ſame, before any action brought, or proceſs ſued out againſt him, that ſuch heir at law ſhall be anſwerable for ſuch debt or debts, in an action or actions of debt, to the value of the ſaid land ſo by him ſold, aliened, or made over; in which caſes all creditors ſhall be preferred, as in actions againſt executors and adminiſtrators, and ſuch executions ſhall be taken out upon any judgment or judgments ſo obtained againſt ſuch heir, to the value of the ſaid land, as if the ſame were his own proper debt or debts; ſaving that the lands, tenements and hereditaments *bona fide* aliened before the action brought, ſhall not be liable to ſuch execution.

Creditors preferred, as in actions againſt executors.

VI. Provided always, and be it further enacted by the authority aforeſaid, That where any action of debt upon any ſpecialty is brought againſt any heir, he may plead *riens per deſcent*, at the time of the original writ brought, or the bill filed againſt him; any thing herein contained to the contrary notwithſtanding; and the plaintiff in ſuch action may reply, that he had lands, tenements, or hereditaments, from his anceſtor before the original writ brought, or bill filed; and if upon iſſue joined thereupon it be found for the plaintiff, the jury ſhall enquire of the value of the lands, tenements, or hereditaments ſo deſcended, and thereupon judgment ſhall be given, and execution ſhall be awarded as aforeſaid; but if judgment be given againſt ſuch heir by confeſſion of the action, without confeſſing the aſſets deſcended, or upon demurrer, or *nihil dicit*, it ſhall be for the debt and damages, without any writ to enquire of the lands, tenements, or hereditaments ſo deſcended.

Upon *riens per deſcent* pleaded, jury ſhall enquire of the value of the lands. Otherwiſe, if judgment by confeſſion, for debt and damages. Carthew 353, 354.

Deviſee chargeable as heir.

VII. Provided alſo, and be it further enacted, That all and every deviſee and deviſees, made liable by this act, ſhall be liable and chargeable in the ſame manner as the heir at law by force of this act, notwithſtanding the lands, tenements, and hereditaments, to him or them deviſed, ſhall be aliened before the action brought. Provided always, That this act ſhall be in force for three years, and to the end of the next ſeſſion of parliament after the expiration of the ſaid three years, and no longer.

To continue for 3 years.

Made perpetual by 6 & 7 *W.* 3. *cap.* 14.

CAP.

CAP. XV.

An act for the better ordering and collecting the duty upon low wines, and ſtrong waters, and preventing the abuſes therein.

FOR the preventing of the frauds of diſtillers, makers, and other retailers of low wines, ſpirits, and ſtrong waters, be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, now in parliament aſſembled, and by authority of the ſame, That no common diſtiller or maker of low wines, ſpirits, or ſtrong waters for ſale, ſhall at any time from and after the firſt day of *March*, one thouſand ſix hundred ninety and one, ſet up, make uſe of, or alter any tun, caſk, waſhbatch, copper, ſtill, or other veſſel, for the brewing or making of any worts, waſh, low wines, ſpirits, or ſtrong waters for ſale, or ſhall keep or make uſe of any private or concealed warehouſe, cellar, or other place, for the laying of any waſh, low wines, ſpirits, or ſtrong waters for ſale, without firſt giving notice thereof at the next office of exciſe, within the limits or juriſdiction whereof he or they do or ſhall inhabit, upon pain to forfeit the ſum of twenty pounds for every tun, caſk, waſhbatch, copper, ſtill, or other veſſel ſo ſet up, uſed, or altered, and for every private or concealed warehouſe, cellar, or other place ſo uſed as aforeſaid; and that all and every other perſon or perſons, in whoſe occupation any houſe, out-houſe, or other place whatſoever, is or ſhall be, where any ſuch private or concealed tun, caſk, waſhbatch, copper, ſtill, or other veſſel ſhall be found or diſcovered, ſhall alſo forfeit and loſe the ſum of twenty pounds, one moiety thereof to their Majeſties, their heirs and ſucceſſors, and the other moiety thereof to him or them that ſhall inform or ſue for the ſame.

Penalty upon diſtiller ſetting up any brewing veſſel, &c. without notice given to officer.

II. And be it further enacted by the authority aforeſaid, That if any common diſtiller or maker of low wines, ſpirits, or ſtrong waters, ſhall at any time hereafter hide, conceal, or convey any low wines, ſpirits, or ſtrong waters for ſale, from the ſight or view of the gager or gagers appointed ſo to take account of the ſame, whereby their Majeſties ſhall or may be defrauded of any the duties due for the ſame, that every ſuch common diſtiller or maker of ſuch low wines, ſpirits, or ſtrong waters, for every gallon of low wines, ſpirits, or ſtrong waters for ſale, ſo hid, concealed, or conveyed as aforeſaid, ſhall forfeit the ſum of five ſhillings each gallon; all which penalties to be ſued for, recovered, and levied in ſuch manner, as by one act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in Capite *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*: and alſo as by one other act of parliament made in the fifteenth year of his ſaid Majeſty's reign, intituled, *An additional act for the*

Penalty upon diſtillers concealing ſpirits, &c.

12 Car.2.c.24.

15 Car.2.c.11.

the better ordering and collecting the duties of excise, and preventing the abuses therein, or in either of them, or by any other law now in force, relating to the revenue of excise on beer and ale, is directed.

Distiller giving notice, &c. excepted.

III. Provided always, That this act, nor any the forfeitures or penalties therein contained, shall be construed to extend to any common distiller, or other person or persons, who shall from and after the said first day of *March*, one thousand six hundred ninety and one, give notice to the officer of excise for the place or division where such distiller or other person shall live, as by this act is appointed.

Anno Regni GULIELMI & MARIÆ *quarto.*

AT *the parliament begun at* Westminster *the twentieth day of* March, Anno Dom. 1989, *in the second year of the reign of our sovereign lord and lady*, William *and* Mary, *by the grace of God, of* England, Scotland, France *and* Ireland, *King and Queen, defenders of the faith*, &c. *and from thence continued by several prorogations and adjournments to the fourth day of* November, 1692. *being the fourth session of this present parliament.*

CAP. I.

EXP. First land tax 1 W. & M. sess. 1. c. 20.

An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France.

CAP. II.

An act that the inhabitants of the province of York *may dispose of their personal estates by their wills, notwithstanding the custom of that province.*

WHEREAS *by custom within the province of* York, *or other usage, the widows and younger children of persons dying inhabitants of that province, are intituled to a part of the goods and chattels of their late husbands and fathers (called her and their reasonable part) notwithstanding any disposition of the same by their husbands and fathers last wills and testaments, and notwithstanding any jointures made for the livelihood of the said widows by their husbands in their life-time, which are competent, and according to agreement, whereby many persons are disabled from making sufficient provision for their younger children:* For remedy whereof;

Persons within the province of York may dispose by will of all their personal estate.

II. Be it enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the six and twentieth day of *March*, one thousand six hundred ninety and three, it shall and may be lawful for any person or persons, inhabiting

inhabiting or reſiding, or who ſhall have any goods or chattels within the province of *York*, by their laſt wills and teſtaments, to give, bequeath, and diſpoſe of all and ſingular their goods, chattels, debts, and other perſonal eſtate to their executor or executors, or to ſuch other perſon or perſons as the ſaid teſtator or teſtators ſhall think fit, in as large and ample manner, as by the laws and ſtatutes of this realm any perſon or perſons may give and diſpoſe of the ſame within the province of *Canterbury*, or elſewhere: And that from and after the ſaid ſix and twentieth day of *March*, one thouſand ſix hundred ninety and three, the widows, children, and other the kindred of ſuch teſtator or teſtators ſhall be barred to claim or demand any part of the goods, chattels, or other perſonal eſtate of ſuch teſtator or teſtators, in any other manner than as by the ſaid laſt wills and teſtaments is limited and appointed; any law, ſtatute, or uſage to the contrary in any wiſe notwithſtanding.

Freemen of York and Cheſter excepted.

III. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to the citizens of the cities of *York* and *Cheſter*, who are or ſhall be freemen of the ſaid reſpective cities, inhabiting therein, or within the ſuburbs thereof, at the time of their death, but that every ſuch citizen's widow and children ſhall and may have and enjoy ſuch reaſonable part and proportion of the teſtator's perſonal eſtate, as ſhe or they might or ought to have had by the cuſtom of the province of *York*, before the making of this act.

In part repealed by 2 & 3 Annæ, c. 5.

CAP. III.

An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt France. The money advanced upon this act, being deficient, is ſupplied by 5 *W. & M. cap.* 5.

Moſt gracious Sovereigns,

WE your moſt loyal and dutiful ſubjects the commons, in parliament aſſembled, being ſenſible of the great and neceſſary expences in which your Majeſties are engaged, for carrying on the preſent war againſt the *French* King; and being deſirous to ſupply the ſame in ſuch manner as may be leaſt grievous to your Majeſties ſubjects: Therefore for the encouragement of ſuch perſons as ſhall voluntarily contribute to the advancing and paying into your Majeſties *Exchequer*, towards carrying on the ſaid war, any ſum or ſums of money, not exceeding the ſum of ten hundred thouſand pounds, upon the reſpective terms and recompences hereafter mentioned, we your Majeſties ſaid dutiful ſubjects the commons, in parliament aſſembled, have given and granted, and do hereby give and grant unto

your

your Majeſties the ſeveral additional rates and duties of exciſe herein after mentioned, for and during the term hereafter expreſſed, and do beſeech your Majeſties that it may be enacted:

Additional exciſe, &c. upon beer, ale, and other liquors, granted for 99 years. *Continued for ever by* 1 Geo. 1 ſtat. 2. c. 12. ſ. 8.

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *January*, one thouſand ſix hundred ninety and two, there ſhall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, during the ſpace and term of ninety and nine years, from the ſaid five and twentieth day of *January*, one thouſand ſix hundred ninety and two, and no longer, for beer, ale, cyder, and other liquors herein after expreſſed, by way of exciſe, over and above all other duties, charges, and impoſitions, by any former or other act or acts ſet and impoſed, or to be ſet and impoſed, in manner and form following, (that is to ſay),

Particular rates. Beer, &c. above 6 s. per barrel, 9 d.

(1) For every barrel of beer or ale above ſix ſhillings the barrel, excluſive of the duty of exciſe, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, over and above all other duties payable for the ſame, nine pence.

Beer and ale 6 s. or under per barrel, 3 d.

(2) For every barrel of beer or ale of ſix ſhillings the barrel or under, brewed by the common brewer, or any other perſon or perſons who ſhall ſell or tap out beer or ale publickly or privately, to be paid by the ſaid common brewer, or by ſuch other perſon or perſons reſpectively as aforeſaid, and ſo proportionably for a greater or leſſer quantity, over and above all other duties payable for the ſame, three pence.

Vinegar Engliſh *per* barrel, 1 s. 6 d.

(3) For every barrel of vinegar beer, brewed or made of any *Engliſh* materials, by any common brewer, or any other perſon, for ſale, to be paid by the maker thereof, and ſo proportionably for a greater or leſſer quantity, over and above all other duties of exciſe payable for the ſame, one ſhilling and ſix pence.

Vinegar made for pickles for ſale to pay duty *per* 8 Annæ, c. 7. ſ. 4. *Explained as to vinegar meaſure by* 10 & 11 W. 3. c. 21. ſ. 15.

(4) For every barrel of vinegar, or liquor prepared for vinegar, made here for ſale, that hath run through foreign rape, or made with or paſſing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof and ſo proportionably for a greater or leſſer quantity, four ſhillings.

Vinegar foreign *per* barrel, 4 s.

(5) For every barrel of beer, ale, or mum, imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importer before landing, over and above the duties payable for the ſame, three ſhillings.

Beer, &c. imported *per* barrel, 3 s.

(6) For every tun of cyder, or perry, imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importer before landing, over and above all other duties payable

Cyder, &c. imported *per* tun, 4 l.

able for the ſame four pounds. (7) For every gallon of ſingle brandy, ſpirits, or *aqua vitæ*, imported from beyond the ſeas, to be paid by the importer before landing, over and above all other duties payable for the ſame, ſix pence. (8) For every gallon of brandy, ſpirits, or *aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the ſeas, to be paid by the importer before landing, over and above all other duties payable for the ſame, one ſhilling. (9) For all cyder and perry made and ſold by retail, upon every hogſhead, to be paid by the retailer thereof, over and above all other duties payable for the ſame, and ſo proportionably for a greater or leſſer meaſure, one ſhilling and three pence. (10) For all metheglin or mead made for ſale, either by retail or otherwiſe, to be paid by the maker, for every gallon, three pence.

Single brandy imported per gallon, 6 d.

Double brandy imported per gallon, 1 s.

Cyder, &c. retailed, 1 s. 3 d. per hogſhead.

Metheglin, &c. per gallon, 3 d.

III. And be it enacted by the authority aforeſaid, That the ſeveral rates, duties, and impoſitions upon beer, ale, cyder, and other liquors aforeſaid, be levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, during the ſaid ſpace and term of ninety and nine years, in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned in the act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*; and alſo in and by another act made in the twelfth year of the reign of the ſaid late King *Charles* the Second, intituled, *A grant of certain impoſitions upon beer, ale, and other liquors, for the increaſe of his Majeſty's revenue during his life*; and alſo in and by another act made in the fifteenth year of the reign of the ſaid late King *Charles* the Second, intituled, *An additional act, for the better ordering and collecting the duty of exciſe, and preventing the abuſes therein*; or by any other law in force relating to the ſaid revenue of exciſe; and that the aforeſaid acts, and every article, rule, and clauſe therein mentioned, as for and concerning only the rates, duties, and impoſitions by this act granted, ſhall be of full force and effect, to all intents and purpoſes, during the ſaid term of ninety and nine years, in like manner as if the ſame were at large and particularly recited and ſet down in the body of this act; and that the ſaid rates and duties of exciſe, by this act granted, ſhall from time to time be within the receipt and government of the chief commiſſioners and governors of the receipt of the exciſe for the time being.

The manner how the duties ſhall be collected.

12 Car. 2. c. 24.

12 Car. 2. c. 23.

15 Car. 2. c. 11.

Commiſſioners of exciſe to receive the duties.

IV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners and governors for management and receipt of the exciſe, at the head office in *London* for the time being, ſhall ſeparate and keep apart all and every the monies ariſing by the rates and duties of exciſe hereby granted, as the ſame ſhall from time to time ariſe, or be paid into the ſaid office of exciſe, by the receivers or collectors of the ſame, or by any

The monies to be kept apart, and paid weekly into the Exchequer.

other perſon whatſoever. And the ſaid commiſſioners and governors of exciſe for the time being are hereby required and ſtrictly enjoined, from time to time, to pay weekly (*viz.*) on *Wedneſday* in every week, if it be not a holiday, and if it be, then the next day after that is not a holiday, all and every the monies ariſing by the rates and duties of exciſe hereby granted, into the receipt of their Majeſties *Exchequer*, diſtinct and apart from the other monies which the ſaid commiſſioners and governors of exciſe ſhall receive for the uſe of their Majeſties, their heirs, and ſucceſſors.

Book in the Exchequer of the weekly payments.

V. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties *Exchequer* (that is to ſay) in the office of the auditor of the receipts, one book in which all the ſaid weekly monies, which ſhall be paid into the *Exchequer* as aforeſaid, ſhall be entered apart and diſtinct from all other monies paid or payable to their Majeſties, their heirs and ſucceſſors, upon any account whatſoever.

Penalty upon commiſſioners of exciſe neglecting to pay or miſapplying the money.

VI. And be it further enacted, That if the ſaid commiſſioners and governors of exciſe, for the time being, ſhall refuſe or neglect to pay into the *Exchequer* all or any the ſaid weekly ſums appointed to be paid as aforeſaid, in ſuch manner as they are before by this act required to do, or ſhall divert or miſapply any of the ſame, then they, for any ſuch offence ſhall forfeit their offices of commiſſioners and governors for the management and receipt of the exciſe, and be incapable of any office or place of truſt whatſoever, and ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied, to any perſon or perſons, who will ſue for the ſame, by any action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, ſhall be granted or allowed.

Theſe duties to be a fund.

VII. And be it further enacted, That all the ſaid ſums ſo as aforeſaid appointed to be paid weekly into the receipt of the *Exchequer*, during the ſaid term of ninety and nine years, ſhall be the yearly fund for the ſeveral and reſpective purpoſes herein after mentioned and expreſſed.

Natives and foreigners may contribute 1,000,000 l. before May.

VIII. And be it further enacted, That it ſhall and may be lawful for any perſons, natives or foreigners, to contribute towards the advancing of the ſaid ſum of ten hundred thouſand pounds, for the purpoſes aforeſaid, by paying into the receipt of their Majeſties *Exchequer*, at any time before the firſt day of *May*, one thouſand ſix hundred ninety and three, ſuch ſum or ſums of money, and upon ſuch terms reſpectively, as hereinafter mentioned and expreſſed (that is to ſay) that out of the monies ariſing by virtue of this act, the ſum of one hundred thouſand pounds yearly, until the four and twentieth day of *June*, one thouſand ſeven hundred, be ſeparated and kept apart, as the yearly fund to be divided amongſt the

100,000l. to be yearly diſtributed till *Ann.* 1700 and

perſons

perſons contributing to the raiſing the ſaid ſum of ten hundred thouſand pounds; and that from and after the ſaid four and twentieth day of *June*, one thouſand ſeven hundred, out of the monies ariſing by virtue of this act, the ſum of ſeventy thouſand pounds be yearly ſeparated and kept apart, as the yearly fund, to be divided as herein after is mentioned; that any perſon who will become a contributor, ſhall and may advance the ſum of one hundred pounds at the leaſt, for which ſum ſo advanced he is to name to the auditor of the receipt, or the clerk of the pells, in the *Exchequer* for the time being, his own, or ſome other life, during which he ſhall be intitled to receive a ſhare or dividend of the ſaid yearly fund, as hereafter is expreſſed; that every contributor may advance as many ſums of one hundred pounds as he ſhall think fit, for which ſums ſo advanced he is to name to the auditor of the receipt, or the clerk of the pells, for the time being, one or more life or lives (ſo as no more lives be named, than there are diſtinct hundred pounds advanced) during which life or lives he ſhall be intituled to receive ſo many ſhares or dividends of the ſaid yearly fund, as there are hundred pounds by him advanced; that all the ſaid lives ſhall be named by the ſeveral contributors, their executors, or adminiſtrators, or ſuch as ſhall be employed by them to pay in the ſaid ſums, within fourteen days after the four and twentieth day of *June*, one thouſand ſix hundred ninety and three: That in the ſaid office of auditor of the receipts, and in the office of the clerk of the pells ſeverally, there be provided and kept one or more book or books, in which ſhall be fairly entred the names of all who ſhall be contributors, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums, and alſo the ſeveral ſums ſo paid, and the time when the ſame are reſpectively paid, the ſaid entry to be made upon payment of the ſaid ſums; and alſo in the ſaid books there ſhall be entred the ſeveral nominees, for whoſe lives reſpectively the ſeveral dividends of the ſaid yearly fund ſhall be payable, at the times when the ſame ſhall be nominated as aforeſaid: To which books it ſhall be lawful for the reſpective contributors, their executors, adminiſtrators, and aſſigns, from time to time, at all ſeaſonable times, to have reſort, and to inſpect the ſame without fee or reward: And as well the ſaid ſeveral contributors, as the ſaid nominees, ſhall be deſcribed in the ſaid books by their chriſtian and ſurnames, additions, places of abode, and other deſcriptions, which ſhall beſt aſcertain the perſons; and every contributor, upon payment of the ſum of one or more hundred pounds as aforeſaid, ſhall immediately have one or more tally or tallies levied, importing the receipt of the conſideration money, for which the contributor is to receive one or more ſhares or dividends of the ſaid yearly fund, during the life or lives of the nominee or nominees, whether ſuch nominee be the contributor himſelf, or

afterwards 70,000 l.

Contributor of 100 l. to receive a ſhare during the life which he names.

Any perſon may contribute as many hundreds as he pleaſes.

Lives when to be named.

Books to be kept of the names of the contributors and nominees, and the ſums contributed.

Contributor upon payment of his money ſhall have tally and order for his ſhare.

or herſelf, or any other perſon, and an order for payment thereof accordingly, bearing the ſame date with the tally; which orders ſhall be ſigned by the commiſſioners of the treaſury, or any three or more of them, now being, or by the treaſurer of the *Exchequer*, or any three or more of the commiſſioners of the treaſury for the time being; and after the ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and ſhall not be determinable by or upon the deaths or removal of any commiſſioners or commiſſioner of the treaſury, or lord high treaſurer, or treaſurer of the *Exchequer*, or by, or upon the determination of the power or office of any commiſſioner or commiſſioners of the treaſury, or lord high treaſurer, or treaſurer of the *Exchequer*, nor ſhall any commiſſioners of the treaſury, or lord high treaſurer, or treaſurer of the *Exchequer*, now or for the time being, have power to revoke, countermand, or make void ſuch orders ſo ſigned as aforeſaid, or any of them. And the ſaid reſpective yearly funds of one hundred thouſand pounds, and ſeventy thouſand pounds (in caſe the whole ſum of ten hundred thouſand pounds ſhall be advanced upon credit of the ſaid funds) ſhall be equally divided amongſt the contributors, their executors, adminiſtrators or aſſigns, during the lives of their reſpective nominees, in proportion to the ſums by them advanced, yearly and every year, by two equal half yearly payments, that is to ſay, the four and twentieth day of *December*, and the four and twentieth day of *June*; the firſt payment to be made the four and twentieth day of *December*, one thouſand ſix hundred ninety and three; and upon the death of every nominee, the ſhare or ſhares of the ſaid funds, which was or were payable during his life, ſhall be equally divided amongſt the reſt of the contributors, whoſe nominees ſhall be living; and ſo from time to time upon the death of every nominee, whatſoever ſhare or dividend was payable during the life of ſuch nominee, ſhall be equally divided amongſt the reſt of the contributors, their executors, adminiſtrators, and aſſigns, during the lives of their reſpective nominees; ſo that from time to time the whole reſpective yearly funds ſhall be divided and paid amongſt the contributors, whoſe nominees do ſurvive, until ſuch time as there ſhall be but ſeven nominees living; after which time there ſhall be no more advantage of ſurvivorſhip; but upon the death of every of the ſaid ſeven nominees, a ſeventh ſhare of the ſaid yearly funds ſhall be anſwered to the uſe of their Majeſties, their heirs and ſucceſſors. And in caſe the whole ſum of ten hundred thouſand pounds ſhall not by the firſt day of *May*, one one thouſand ſix hundred ninety and three, be advanced and paid by ſuch contributors upon the terms aforeſaid, that then there ſhall be divided to and amongſt ſuch contributors as ſhall, before the ſaid firſt day of *May*, have advanced and paid as aforeſaid, towards the ſame yearly and every year, by two equal payments as aforeſaid, ſo much only of the ſaid yearly funds, as

Order not made void by removal or revocation of any officer.

The whole yearly funds proportionably paid to the contributors, if the whole ſum be advanced.

Payable half yearly.

Survivors to have advantage of the death of the nominees till only ſeven be left, and then the King to have the dead man's ſhare.

If the whole ſum be not advanced, the contributors ſhall be paid ſuch part of the annual funds as is proportionable to the advance.

as ſhall bear proportion to the ſaid ſum ſo advanced after the rates aforeſaid, that is to ſay, ſo much only of the ſaid yearly funds, as ſhall, during the firſt ſeven years, to commence from the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety three, anſwer yearly the ſum of ten pounds for every hundred pounds ſo advanced and paid; and from and after the expiration of the ſaid ſeven years, during the lives of the ſaid nominees, and the ſurvivor of them, yearly and every year, by two equal payments as aforeſaid, the ſum of ſeven pounds for every hundred pounds ſo advanced and paid, to be divided as aforeſaid, with the like benefit and advantage of ſurvivorſhip, as is herein directed, in caſe the whole ſum of ten hundred thouſand pounds ſhall be advanced and paid upon the terms aforeſaid; and from and after the ſaid firſt day of *May*, one thouſand ſix hundred ninety and three, no contributors ſhall advance any further ſums upon the terms and advantages aforeſaid.

Ten pounds per cent. allowed the contributors from the payment till the 24th of June.

IX. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the *Exchequer* the ſums by them intended to be advanced upon the terms aforeſaid, it is enacted by the authority aforeſaid, That every ſuch contributor ſhall receive out of the ſaid yearly funds, for all monies by him ſo advanced and paid, from the reſpective days of payment, unto the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety three, intereſt for the ſame, at the rate of ten pounds *per centum per annum*: which intereſt ſhall be mentioned and expreſſed in the order hereby appointed to be given, upon payment of any ſuch ſums.

Contributor may aſſign or deviſe his intereſt.

X. And be it further enacted, That it ſhall and may be lawful for any contributor, his executors, adminiſtrators, or aſſigns, at any time during the life of his or their reſpective nominee, by any writing under hand and ſeal, or by his or their laſt will in writing, to aſſign or deviſe any one or more ſhare or ſhares of the ſaid fund, payable during the life of any one or more nominee or nominees, to any perſon or perſons, and ſo *toties quoties*; and no ſuch aſſignments to be revokable, ſo as an entry or memorandum of ſuch aſſignment or will be made in books to be kept for that purpoſe, in the ſaid office of the receipt, within the ſpace of two months after ſuch aſſignment or death of the deviſor; and that upon the producing ſuch aſſignment, or will, or probat thereof, in the ſaid office of receipt, to be entred as aforeſaid, the party ſo producing the ſame ſhall bring therewith an affidavit, taken before ſome perſon authorized to take affidavits in cauſes depending in any of the courts at *Weſtminſter*, of the due execution of the ſaid aſſignment or will, which affidavits ſhall be ſeverally filed in the ſaid office; which ſaid entry or memorandum the ſaid officers in the ſaid receipt of the *Exchequer* are hereby required to make accordingly, and to file the ſaid affidavits; and in default of ſuch aſſignment or deviſe by deed or will the intereſt of ſuch contributor ſhall go to his executors and adminiſtrators, for the life

Entry of the aſſignment, and will, and affidavit of the execution, to be filed in the receipt office.

If no aſſignment, intereſt goes to executors.

life of the nominee, ſuch nominee being ſome other perſon as aforeſaid.

Guardians may advance money for infants under twelve.

XI. And be it further enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of twelve years, for the uſe and benefit of ſuch infant, to advance and pay for the purpoſe aforeſaid, the ſum of one hundred pounds of the monies of ſuch infant, and ſhall thereupon, within ſuch time as is herein before appointed for the naming of lives, name the ſaid infant to be a nominee; and ſuch infant, upon the payment of the ſum, ſhall become a contributor within the meaning of this act, and be intituled to have and receive, during his or her life, a ſhare of the ſaid funds in ſuch manner and proportion as any other contributor; and the ſaid guardian and truſtee, as to the ſaid ſum of one hundred pounds ſo advanced, is hereby diſcharged.

Contributor upon demanding a ſhare, muſt bring a certificate from the miniſter and church-wardens of nominee's life.

XII. And to the intent and purpoſe that all deceits in receiving any ſhare of the ſaid yearly fund may be prevented, and that the full advantage of ſurvivorſhip may be had, be it enacted by the authority aforeſaid, That every contributor, his executors, adminiſtrators, or aſſigns, upon their demanding any half yearly payment of his or their reſpective ſhares (unleſs the nominee appear in perſon at the ſaid receipt) ſhall produce a certificate of the life of his or their reſpective nominee, ſigned by the miniſter and churchwardens of the pariſh where ſuch nominee ſhall be then living, upon the day when the ſaid half yearly payment ſhall become due (if ſuch nominee ſhall be then reſiding in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*) which certificate the ſaid miniſter and churchwardens are hereby required to make without fee or reward; and the ſaid certificates ſhall be filed in the ſaid office of receipt of the *Exchequer*.

If nominee be out of the land, certificate muſt be from a baron.

XIII. And be it further enacted, That in caſe any nominee ſhall, at the time of ſuch demand, be reſident in *Scotland*, or beyond the ſeas, and any one or more of the barons of the *Exchequer* for the time being ſhall certify, that upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a ſummary way) it doth ſeem probable to him or them, that the ſaid nominee is living (which certificate is to be given, and examination made, without any fee or charge) the ſaid certificate, being filed as aforeſaid, ſhall be a ſufficient warrant for the payment of the ſaid half yearly ſhare to the reſpective contributors, their executors, adminiſtrators, or aſſigns.

Contributor neglecting to demand, his half yearly payment goes to the reſt.

XIV. And be it further enacted, That in caſe any perſon, who by the intent of this act ſhall be intituled to receive any half yearly payment of his ſhare of the ſaid funds, ſhall at any time neglect to demand the ſame in manner as aforeſaid, until within twenty days before the next half yearly payment ſhall become due, he ſhall loſe and forfeit ſuch half yearly payment ſo neglected to be demanded, and the ſame ſhall be divided amongſt

amongſt the contributors, as if his reſpective nominee had been dead, and ſo from time to time upon every default. Provided nevertheleſs, That if ſuch contributor ſhall afterwards make a demand in due time in manner aforeſaid, for any following half yearly payment, ſuch contributor ſhall for the future have his ſhare of the ſaid funds, as if ſuch default had not been made.

Account to be made within 20 days of every payment of the deaths of nominees.

XV. And to the intent it may appear and be aſcertained upon every half yearly payment, unto and amongſt what perſons, and in what proportions the ſaid funds are to be diſtributed, be it enacted, That in the ſaid office of auditor of the receipt, every half year, within twenty days before the reſpective days of payment, there ſhall be made up an account of the ſeveral nominees whoſe deaths are come to knowledge, and of the ſeveral contributors who have made default in making demand as aforeſaid, that ſo the reſt of the contributors may have the advantage thereof.

Contributor receiving ſhare after nominee's death how puniſhed.

XVI. And be it further enacted, That if any perſon ſhall receive any one or more half yearly payments of the ſaid funds after the death of any nominee, for whoſe life ſuch ſhare was payable, it ſhall be lawful for any contributor to require the ſame to be repaid into the receipt of the *Exchequer*, for the benefit of the contributors. And in caſe of refuſal or neglect to pay in the ſame within one month after ſuch demand, ſuch perſon ſo refuſing or neglecting ſhall forfeit treble the ſum ſo received, to be recovered by action of debt in any of their Majeſties courts at *Weſtminſter*, in the name of ſuch contributor who ſhall make the demand as aforeſaid; in which action no eſſoin, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed.

Officer offending how puniſhed.

XVII. And be it further enacted for the better encouraging perſons to advance the ſaid ſum of ten hundred thouſand pounds upon the terms aforeſaid, That all receipts and iſſues, and all other things directed by this act to be performed in the *Exchequer*, ſhall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the ſame. And in caſe any of the officers of the *Exchequer* ſhall take or demand any ſuch fee or reward, or ſhall divert or miſapply any of the ſaid weekly ſums, to be paid into the receipt of the *Exchequer*, for making up the aforeſaid funds, or ſhall pay or iſſue out the ſame, otherwiſe than according to the intent of this act, or ſhall not keep books and regiſters, and make entries, and do and perform all other things which by this act they are required to perform, every ſuch officer ſhall forfeit his office, and be for the future incapable of any office or place of truſt whatſoever, and ſhall anſwer and pay treble damages, with coſts of ſuit, to every contributor, their executors, adminiſtrators, and aſſigns, to be recovered by action of debt, bill plaint or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of reſtraint, or more than one imparlance ſhall be granted

or allowed; and in the ſaid action the plaintiff upon recovery ſhall have his full coſts, one third part of which ſum ſo to be recovered ſhall be paid into the receipt of the *Exchequer*, for the benefit of the ſaid contributors, and the other two third parts ſhall be to the uſe of the proſecutor. And in caſe there ſhall be any colluſion, or faint proſecution between the plaintiff and defendant in ſuch action, it ſhall be lawful for any other contributor to bring another action, wherein he ſhall recover as aforeſaid, to the uſes aforeſaid. Provided always, and be it enacted, That in caſe any officer of the *Exchequer* ſhall make payment of any ſhare or ſhares of the ſaid funds, upon ſuch certificate as is before directed, ſuch officer ſhall not incur any penalty, forfeiture, or diſability, or be liable to any action of the contributors for doing thereof, although the ſaid certificate be forged or falſe, or the ſaid nominee be dead, unleſs the ſaid officer did know at the time of ſuch payment that the ſaid nominee was dead, or that the ſaid certificate was forged or falſe.

Officer not puniſhable for paying money upon a forged certificate, except privy to it.

XVIII. And be it further enacted, That every contributor, his executors, adminiſtrators, or aſſigns, within one month next after notice of the death of his or their reſpective nominee, ſhall certify ſuch death to the auditor of the receipt of the *Exchequer* for the time being, and ſhall alſo, within three months after ſuch notice, deliver, or cauſe to be delivered up to the ſaid auditor his or their tally and order, by which he or they were or was intituled, during the life of ſuch nominee, to receive any ſhare of the ſaid fund, in caſe ſuch tally and order be in his or their hands or power; and in default thereof ſuch contributor, his executors, adminiſtrators, and aſſigns, ſhall forfeit the ſum of ten pounds, to be recovered by action of debt as aforeſaid, and to be had and received to the uſe of any perſon who ſhall ſue for the ſame.

Contributor to certify death of his nominee, and return his tally, upon 10l. Penalty.

XIX. And be it enacted by the authority aforeſaid, That if the whole ſum of ten hundred thouſand pounds be not advanced and paid into the *Exchequer* upon this act, before the four and twentieth day of *June*, one thouſand ſix hundred ninety three; that then it ſhall and may be lawful for their Majeſties, or their officers in the receipt of their Majeſties *Exchequer*, by their command and appointment, to borrow and take into the ſaid receipt, for their Majeſties uſe, by way of loan, any ſum or ſums of money, which, together with the whole value or amount of all the ſums of money, which ſhall, before the ſaid four and twentieth day of *June*, be advanced and paid upon the terms and advantage of ſurvivorſhip as aforeſaid, or upon the terms hereafter in this act mentioned, ſhall not exceed the ſum of ten hundred thouſand pounds; which ſum or ſums, ſo taken up by way of loan, ſhall and may be charged upon the credit of their Majeſties *Exchequer* in general, and tallies of loan, and orders of repayment of the ſame ſhall be levied accordingly; which orders ſhall be aſſignable and tranſferrable from one perſon to another.

A clauſe of loan, to make up the ſum of 1,000,000l.

XX. And it is hereby enacted, That all and every ſum and ſums of money ſo to be borrowed, not exceeding as aforeſaid, together

together with the intereſt for the ſame, not exceeding the rate of ſeven pounds *per centum per annum*, to be paid every three months until ſatisfaction of the principal, or ſo much thereof as ſhall not be repaid out of ſuch monies as ſhall be advanced upon the terms hereafter in this act mentioned, at or after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety three, and before the twenty ninth day of *September* next following (all which ſaid monies ſo to be advanced from and after the ſaid four and twentieth day of *June*, and before the ſaid twenty ninth day of *September*, ſhall be applied and appropriated, and are appropriated, for the diſcharging the ſeveral loans made upon this act, ſo far as the ſame will extend) ſhall be payable, and be paid or ſatisfied unto the reſpective lender or lenders of the ſame, his, her, or their executors, adminiſtrators, or aſſigns, out of any of the next aids or ſupplies to be granted to their Majeſties in parliament, and ſhall be transferred and transferrable thereunto, as ſoon as any ſuch aid or ſupply ſhall be granted; and in caſe no ſuch aid or ſupply ſhall be granted to their Majeſties before the ſecond day of *February*, one thouſand ſix hundred ninety three, then the ſaid ſum and ſums of money ſo to be borrowed, not exceeding as aforeſaid, and the intereſt thereof, or ſo much thereof as ſhall not be repaid out of the monies which ſhall be advanced before the ſaid twenty ninth day of *September* as aforeſaid, ſhall be payable and be paid and ſatisfied to the ſaid lender or lenders, his or their executors, adminiſtrators, or aſſigns reſpectively, by and out of any of their Majeſties treaſure, which from henceforth ſhall come into, be, or remain in the receipt of their Majeſties *Exchequer*, not being already appropriated to any particular uſes by any act or acts of parliament before this time made.

Seven pounds per cent. allowed to the lender, and the charge of the principal and intereſt transferred to the next parliament aid, and if no aid, to the next revenue.

XXI. And be it further enacted, That for the better and more effectual ſupply of their Majeſties preſent occaſions, that if the ſum of five hundred thouſand pounds, part of the ſaid ſum of ten hundred thouſand pounds, be not advanced and paid into the *Exchequer* upon this act, before the firſt day of *May*, one thouſand ſix hundred ninety three, that then it ſhall and may be lawful for their Majeſties to borrow, upon intereſt as aforeſaid, any ſum or ſums of money, not exceeding five hundred thouſand pounds, to be paid out of ſuch other monies as ſhall be advanced upon this act between the firſt day of *May*, one thouſand ſix hundred ninety three, and the ſaid twenty ninth day of *September*, one thouſand ſix hundred ninety three, in caſe the money ſo advanced ſhall be ſufficient for the payment thereof, or otherwiſe ſo much thereof as the ſame ſhall extend to pay; and the reſidue of the ſaid ſum of five hundred thouſand pounds, ſo taken up upon loan, which ſhall remain unpaid out of the monies advanced upon this act as aforeſaid, ſhall be taken and reckoned as part of the ſaid ſum, before directed to be and made payable out of any of the next aids or ſupplies to be granted to their Majeſties in parliament, or out of their Majeſties treaſure as aforeſaid.

If 500,000l. only advanced before May, the King may borrow 500,000l. more, to be paid out of money raiſed by this act betwixt that time and September, and if that fall ſhort, next aid chargeable.

XXII. And

If the whole ſum be not raiſed before May, perſons contributing ſhall have the advantage of 14l. per cent. for life of the nominee.

XXII. And be it further enacted by the authority aforeſaid, That in caſe the whole ſum of ten hundred thouſand pounds ſhall not be advanced by the ſaid contributors, and paid into the *Exchequer*, before the ſaid firſt day of *May*, one thouſand ſix hundred ninety and three, upon the terms and advantage of ſurvivorſhip as aforeſaid, that then it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, after the ſaid firſt day of *May*, one thouſand ſix hundred ninety three, and before the nine and twentieth day of *September* then next following, to advance and pay into their Majeſties *Exchequer*, any ſum or ſums of money, not exceeding in the whole (together with what ſhall have been before the ſaid firſt day of *May* advanced by the ſaid contributors as aforeſaid) the ſaid ſum of ten hundred thouſand pounds, upon the terms following, that is to ſay, That every ſuch perſon, out of the monies ariſing by the rates and duties of exciſe granted by this act, ſhall have and receive, for every ſum of one hundred pounds by them reſpectively advanced and paid, a yearly annuity, rent, or payment of fourteen pounds of lawful *Engliſh* money (and proportionably for a greater ſum) and for and during the life of ſuch perſon ſo advancing or paying the ſame, or during any other life to be nominated by the perſon advancing or paying any ſuch ſum as aforeſaid, the ſame to be nominated within ſix days after payment of the ſaid ſum; which yearly annuities, rents, or payments, ſhall commence from the nine and twentieth day of *September*, one thouſand ſix hundred ninety three, and ſhall be paid and payable at the four moſt uſual feaſts in the year; that is to ſay, at the feaſts of the birth of our Lord Chriſt, the annunciation of the bleſſed Virgin *Mary*, the nativity of Saint *John Baptiſt*, and the feaſt of Saint *Michael* the archangel, by even and equal portions; and every perſon, on payment of any ſuch ſum or ſums as aforeſaid, ſhall immediately have one or more tally or tallies importing the receipt of the conſideration money, and orders for payment of the ſaid annuities, bearing the ſame date with the tally, the ſaid orders to be ſigned in the ſame manner as is in this act before mentioned, touching orders to be given to the before mentioned contributors, and not to be determinable, revokable, or countermandable, as touching the before mentioned orders is enacted; which ſaid orders ſhall be aſſignable and transferrable in ſuch and the ſame manner as is before mentioned touching the ſaid orders given to the contributors as aforeſaid, upon the terms and advantages in this act firſt mentioned; and all the monies ariſing by the rates and duties hereby granted (over and beſides ſo much as ſhall bear proportion, after the rates aforeſaid, to the whole ſum which ſhall be advanced by the contributors before the ſaid firſt day of *May*, one thouſand ſix hundred ninety and three) are and ſhall be appropriated and applied, and are hereby appropriated, to and for the payment of the ſaid annuities or yearly rents or ſums, after the rate of fourteen pounds *per annum* for every hundred pounds advanced as aforeſaid, according to the true intent

and

and meaning of this act, and ſhall not be divertible or diverted to any other uſe, intent, or purpoſe whatſoever, under the like penalties, forfeitures, and diſabilities, in reſpect to all and every the officers above mentioned, as are before appointed and enacted, in caſe of diverting or miſapplying any part of the monies which ought to be paid to the contributors, who are to have the advantage of ſurvivorſhip as aforeſaid; and the ſaid officers reſpectively are hereby required to keep books and regiſters, and make entries of the names of all perſons who ſhall advance any money after the ſaid firſt day of *May* as aforeſaid, and of the ſeveral ſums ſo advanced, and the times of paying in the ſame reſpectively, and the names of ſuch perſons for whoſe lives the ſeveral annuities and yearly payments are to be payable, without fee or reward as aforeſaid (to which books all perſons concerned ſhall have acceſs as aforeſaid) all which the ſaid officers are to do and perform under the like penalties and forfeitures and diſabilities as aforeſaid; and every perſon, who ſhall advance and pay any ſuch ſum as aforeſaid, after the ſaid firſt day of *May*, ſhall receive out of the money granted by this act, for all monies by him ſo advanced and paid, from the reſpective days of payment unto the ſaid nine and twentieth day of *September*, one thouſand ſix hundred ninety three, intereſt for the ſame, at the rate of ten pounds *per centum per annum*.

Penalties upon officers, as before.

Intereſt after the rate of 10 per cent. allowed till September.

XXIII. Provided alſo, and be it enacted, That if any contributor, who, on or before the ſaid firſt day of *May*, ſhall have advanced any ſum or ſums of money, in reſpect whereof ſuch contributor ſhall be intituled to have a proportionable ſhare of the ſaid yearly funds, with the benefits of ſurvivorſhip as aforeſaid, ſhall at any time after the ſaid firſt day of *May*, and before the ſaid nine and twentieth day of *September*, be minded or deſirous (in lieu and ſatisfaction of ſuch proportionable ſhare of the ſaid funds, with ſuch benefits of ſurvivorſhip) to have an yearly annuity, rent, or payment of fourteen pounds of lawful *Engliſh* money for every or any ſum of one hundred pounds by ſuch contributor ſo advanced, to be paid during the life of his, her, or their nominee before mentioned, and ſhall ſignify ſuch deſire to the ſaid auditor of the receipt, or the clerk of the pells, for the time being, that then the ſaid auditor of the receipt, or clerk of the pells, ſhall cauſe an entry or memorial thereof to be made in a book or books, for this purpoſe to be kept in the ſaid receipt; and the ſaid entry or memorial being ſigned by the ſaid contributor, ſuch contributor, his executors, adminiſtrators, and aſſigns, during the life of the ſaid nominee (whether ſuch nominee ſhall be the contributor, or any other perſon) ſhall have and receive for every ſum of one hundred pounds, which ſhall have been ſo advanced, a yearly annuity, rent, or payment of fourteen pounds as aforeſaid, at the four feaſts aforeſaid, by equal portions, in ſuch manner, and with ſuch and the ſame advantages, as if ſuch contributor had originally paid in the monies by him advanced, after the ſaid firſt day of *May*, one thouſand ſix hundred ninety three.

Perſons contributing upon ſurvivorſhip, may change it into the advantage of 14 per cent. for life.

XXIV. Pro-

King after change ſhall have his advantage of ſurvivor.

XXIV. Provided always, that after ſuch entry or memorial ſhall be made in the ſaid book or books, and ſigned by the contributor as aforeſaid, all further payments which ſhould grow due to ſuch contributor for his proportionable part of the ſaid yearly funds, ſhall ceaſe and determine for their Majeſties benefit, any thing contained in this act to the contrary notwithſtanding.

The annual ſurplus of the duties given to the King. *Part of the aggregate Fund.* 1 Geo. 1. c. 12. ſ. 8.

XXV. And be it further enacted, That in caſe there ſhall be any ſurplus or remainder of the monies ariſing by the rates and duties granted by this act, at the end of any year, during the ſaid term of ninety nine years, after all the ſaid ſeveral proportions of the ſaid yearly funds, and all and every the annuities, rents, and yearly payments, and all intereſt payable by this act, ſhall be fully ſatisfied, paid, and diſcharged, ſuch ſurplus or remainder ſhall be to the uſe of their Majeſties, their heirs and ſucceſſors.

Monies lent to be tax free.

XXVI. And be it further enacted, That any monies lent by, or payable to, any perſon or perſons, upon or by virtue of this act, ſhall not be charged or chargeable with any rates, duties or impoſitions whatſoever.

Grants of the duties to other Uſes, &c. void.

XXVII. Provided always, and it is hereby further declared and enacted by the authority aforeſaid, That all grants or diſpoſitions of any of the monies ariſing, or which ſhall be collected, by the authority of this act, hereafter to be made by their Majeſties, their heirs or ſucceſſors, to any other perſon or perſons, or in any other manner, or for any longer term or intereſt than by this act is appointed, ſhall be and are hereby declared null and void to all intents and purpoſes whatſoever.

CAP. IV.

An act for taking ſpecial bails in the country, upon actions and ſuits depending in the courts of King's Bench, Common Pleas, *and* Exchequer *at* Weſtminſter.

FOR the greater eaſe and benefit of all perſons whatſoever, in taking the recognizances of ſpecial bails upon all actions and ſuits depending, or to be depending, in any of the courts of *King's Bench*, *Common Pleas*, or *Exchequer* at *Weſtminſter*; be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that the chief juſtice and other the juſtices of the court of *King's Bench* for the time being, or any two of them, whereof the chief juſtice for the time being to be one for the ſaid court of *King's Bench*, and the chief juſtice of the court of *Common Pleas* and other the juſtices there for the time being, or any two of them, whereof the chief juſtice of the ſame court to be one for the ſaid court of *Common Pleas*, and alſo the chief baron and barons of the quoif of the court of *Exchequer* for the time being, or any two of them, whereof the chief baron for the time being to be one of the ſaid court of *Exchequer*,

Chief juſtice, &c. may make any perſons, except attorneys and ſolicitors, commiſſioners to take bail in the country.

Exchequer, ſhall or may, by one or more commiſſion or commiſſions under the ſeveral ſeals of the ſaid reſpective courts, from time to time, as need ſhall require, impower ſuch and ſo many perſons, other than common attorneys and ſolicitors, as they ſhall think fit and neceſſary, in all and every the ſeveral ſhires and counties within the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, to take and receive all and every ſuch recognizance or recognizances of bail or bails, as any perſon or perſons ſhall be willing or deſirous to acknowledge or make before any of the perſons ſo impowered, in any action or ſuit depending or hereafter to be depending in the ſaid reſpective courts, or any of them, in ſuch manner and form, and by ſuch recognizance or bail-piece, as the juſtices and barons of the ſaid reſpective courts have uſed to take the ſame; which ſaid recognizance or recognizances of bail, or bail-piece, ſo taken as aforeſaid, ſhall be tranſmitted to ſome or one of the juſtices or barons of the ſaid reſpective courts where ſuch action or ſuit ſhall be depending, who, upon affidavit made of the due taking of the recognizance of ſuch bail or bail-piece by ſome credible perſon preſent at the taking thereof, ſuch juſtice or baron ſhall receive the ſame, upon payment of ſuch fees as have been uſually received for the taking of ſpecial bails by the juſtices and barons clerks, and other the officers of the ſaid reſpective courts; which recognizance of bail or bail-piece, ſo taken and tranſmitted, ſhall be of the like effect as if the ſame were taken *de bene eſſe* before any of the ſaid juſtices and barons; for the taking of every which recognizance or recognizances of bail or bail-piece, the perſon or perſons ſo impowered ſhall receive only the ſum or fee of two ſhillings, and no more.

Juſtices, &c. to receive the bail-piece upon affidavit of due execution.

Bail taken below to be as *de bene eſſe*. Commiſſioners Fee.

II. And be it further enacted by the authority aforeſaid, That the juſtices and barons reſpectively in the ſeveral courts ſhall make ſuch rules and orders for the juſtifying of ſuch bails, and taking of the ſame abſolute, as to them ſhall ſeem meet, ſo as the cognizor or cognizors of ſuch bail or bails be not compelled to appear in perſon in any of the ſaid courts, to juſtify him or themſelves, but the ſame may and is hereby directed to be determined by affidavit or affidavits duly taken before the ſaid commiſſioners, who are hereby impowered and required to take the ſame, and alſo to examine the ſureties upon oath, touching the value of their reſpective eſtates, unleſs the cognizor or cognizors of ſuch bail do live within the cities of *London* and *Weſtminſter*, or within ten miles thereof.

Power given to juſtices, &c. to make rules for juſtifying, but not to order the perſon's appearance.

London, &c. ſaved.

III. And be it further enacted by the authority aforeſaid, That any judge of aſſize in his circuit ſhall and may take and receive all and every ſuch recognizance and recognizances of bail or bails as any perſon ſhall be willing and deſirous to make and acknowledge before him, which being tranſmitted in like manner as aforeſaid, ſhall (without oath) be received in manner as aforeſaid, upon payment of the uſual fees.

Juſtices of aſſize may take bail.

IV. And be it further enacted by the authority aforeſaid, That any perſon or perſons who ſhall before any perſon or perſons

Felony for any perſon to be bail in another man's name.

ſons impowered by virtue of this act, as aforeſaid, to take bail or
21 Ja. 1. c. 26. bails, repreſent or perſonate any other perſon or perſons, whereby the perſon or perſons ſo repreſented and perſonated may be liable to the payment of any ſum or ſums of money for debt or damages to be recovered in the ſame ſuit or action, wherein ſuch perſon or perſons are repreſented and perſonated, as if they had really acknowledged and entered into the ſame, being lawfully convicted thereof, ſhall be adjudged, eſteemed, and taken to be felons, and ſuffer the pains of death, and incur ſuch forfeitures and penalties as felons in other caſes convicted or attainted do by the law of *England* loſe and forfeit.

CAP. V.

An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandize for the proſecuting the preſent war againſt France.

Impoſt. 1692. WE your Majeſties moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, for a further ſupply of your Majeſties extraordinary occaſions, and the effectual proſecution of the war againſt *France*, have chearfully and unanimouſly given and granted, and do hereby give and grant unto your Majeſties the additional and other rates, impoſitions, duties and charges upon the ſeveral ſorts of goods and merchandizes to be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, or from thence exported, as herein after expreſſed, during ſuch time, and in ſuch manner and form as herein after followeth; and do humbly pray your Majeſties that it may be enacted:

This act made perpetual by 9 An. c. 21. ſ. 1. *but repealed in part as to rating goods ad valorem, by* 11 Geo. 1. c. 7. ſ. 1.

II. And be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That there ſhall be anſwered and paid to their Majeſties and their ſucceſſors, for the ſeveral goods and merchandizes hereafter mentioned, over and above all impoſitions, duties, and charges already impoſed and payable upon and for the ſame in the book of rates of merchandize by act of parliament eſtabliſhed, and the direction therein contained or otherwiſe, the further rates and duties following (that is to ſay)

Amber beads, 20l. per 100l. (1) For every hundred pounds value of amber beads imported after the firſt day of *March*, one thouſand ſix hundred ninety two, and before the firſt day of *March*, one thouſand ſix hundred ninety ſix, twenty pounds more than the ſame are charged with in the ſaid book of rates, and ſo proportionably for a greater or leſſer quantity.

Amber rough, 10l. per 100l. (2) For amber rough, imported within the time aforeſaid, ten pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity.

Amber oil, 10l. per 100l. (3) For amber oil, or oil of amber, imported within the time aforeſaid, ten pounds for every hundred pounds value, more than the

ſame

ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (4) For anchovies, the little barrel, not exceeding ſixteen pounds of fiſh, imported within the ſaid time, for every hundred pounds value, five pounds more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Anchovies, 5l. per 100l.

(5) For aſhes called wood, weed, or ſoap aſhes, imported within the ſaid time, ſix ſhillings the laſt, more than the ſame is charged with in the ſaid book of rates. Aſhes, 6s. per laſt.

(6) For barbers aprons and cheques, imported within the ſaid time, eight pence the piece each, more than the ſame are charged with in the ſaid book of rates. Barbers aprons, 8d. per piece.

(7) For every hundred weight of battery, baſhrones, or kettles, (containing one hundred and twelve pounds) imported within the ſaid time, five ſhillings more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Battery, 5s. per 100lb.

(8) For every hundred weight (containing one hundred and twelve pounds) of metal prepared for battery, imported within the ſaid time, five ſhillings more than is now paid for the ſame by the ſaid book of rates, and ſo in proportion as aforeſaid. Battery metal, 5s. per 100lb.

(9) For every hundred weight of books unbound (containing one hundred and twelve pounds) imported within the ſaid time, four ſhillings more than the ſame is charged with in the ſaid book of rates, and ſo in proportion as aforeſaid. Books, 4s. per 100lb.

(10) For black called *lamp black* imported within the ſaid time, twenty pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Lamp black, 20l. per 100lb.

(11) For boultel reins imported within the ſaid time, ten pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Boultel reins, 10l. per 100l.

(12) For every groſs of bracelets, or necklaces of glaſs imported within the ſaid time, two ſhillings and ſixpence, more than the ſame are charged with in the ſaid book of rates, or by any other ſtatute now in force. Bracelets, 2s. 6d. per groſs.

(13) For braſs wrought imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Braſs, 5l. per 100l.

(14) For buckrams imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Buckrams, 5l. per 100l.

(15) For buttons of hair imported within the ſaid time, ten pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Hair buttons, 10l. per 100l. *Importation of hair buttons prohibited by* 4 & 5 W. & M. c. 10

(16) For briſtles dreſt and undreſt, imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. Briſtles, 5l. per 100l.

(17) For every pound of bacon imported within the ſaid time, four pence. Bacon, 4d. per lb.

[*To be paid from the firſt day of next ſeſſion*, 5 & 6 *W. & M. cap.* 2. *ſect.*

Calves ſkins, 5l. per 100l. *ſect.* 4.] (18) For calves ſkins imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion

Carpets, 5l. per 100l. for any greater or leſſer quantity. (19) For carpets of all ſorts imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer

Catlings, 18d. per groſs. quantity. (20) For every groſs of catlings and luteſtrings imported within the ſaid time, eighteen pence the groſs, more than the ſame is charged with in the ſaid book of rates, and ſo in

Scotch coals, 5l. per 100l. proportion for any greater or leſſer quantity. (21) For coals *Scotch* imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer

Canes, 1l. 5s. per 1000. quantity. (22) For every thouſand of canes, called walking canes, imported within the ſaid time, five and twenty ſhillings, more than is now paid for the ſame, and ſo in proportion as

Rattans, 5s. per 1000. aforeſaid. (23) For canes called rattans, imported within the ſaid time, five ſhillings the thouſand more than is now paid for

Copper, 7s. 6d. per 100lb. the ſame, and ſo in proportion as aforeſaid. (24) For every hundred weight of copper, called roſe brick, copper coyn, and all caſt copper (containing one hundred and twelve pounds) imported within the ſaid time, ſeven ſhillings and ſix pence more than the ſame is charged with in the ſaid book of rates, and ſo

Copper plates, 12s. 6d. per 100lb. in proportion for any greater or leſſer quantity. (25) For every hundred weight of copper, part wrought, as plates, bars, rods, or raiſed (containing one hundred and twelve pounds) imported within the ſaid time, twelve ſhillings and ſixpence more than is now paid for the ſame, and ſo in proportion for any greater or

Copper wrought, 17s. 6d. per 100lb. leſſer quantity. (26) For every hundred weight of copper fully wrought (containing one hundred and twelve pounds) imported within the ſaid time, ſeventeen ſhillings and ſix pence more than is now paid for the ſame, and ſo in proportion as aforeſaid.

Coral, 20l. per 100l. (27) For coral beads, and all poliſhed coral imported within the ſaid time, twenty pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (28) For

Cotton manufactures, 5l. per 100l. all manufactures of cotton only (except dimity) not brought from *Eaſt India* or *China*, imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion

Couries, 10l. per 100l. for any greater or leſſer quantity. (29) For every hundred pounds value of couries imported within the ſaid time, ten pounds more than is now paid for the ſame, and ſo in proportion as aforeſaid. (30) For elephants teeth imported within the

Elephants Teeth, 10l. per 100l. ſaid time, ten pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and

Flax rough, 5l. per 100l. ſo in proportion for any greater or leſſer quantity. (31) For flax rough imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or

leſſer

leſſer quantity. (32) For flax dreſſed or wrought, imported within the ſaid time, fifteen pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (33) For every hundred pounds value of tow imported within the ſaid time, five pounds more than the ſame is charged with as aforeſaid, and ſo in proportion as aforeſaid. (34) For every yard of flannel imported within the ſaid time, two pence more than the ſame is charged with in the ſaid book of rates. (35) For every yard of frize imported within the ſaid time, three pence halfpenny more than the ſame is charged with in the ſaid book of rates. (36) For every hundred pounds value of furs of all ſorts imported within the ſaid time, five pounds more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (37) For gold and ſilver thread, and wire counterfeit, imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (38) For every pound of goats hair, called *carmenia* wooll, imported within the ſaid time, four pence more than the ſame is charged with in the ſaid book of rates. (39) For every pound of goats hair of any other ſort, imported within the ſaid time, two pence more than the ſame is charged with in the ſaid book of rates. (40) For hides of all ſorts dreſſed and undreſſed (except buff and loſh) imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (41) For every buff hide imported within the ſaid time, two ſhillings more than the ſame is charged with in the ſaid book of rates. (42) For every loſh hide imported within the ſaid time, one ſhilling more than the ſame is charged with in the ſaid book of rates. (43) For hemp rough imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (44) For diamonds, pearls, rubies, emeralds, and all other jewels and precious ſtones imported within the ſaid time, twenty ſhillings for every hundred pounds value, to be affirmed by the oath of the importer, in lieu of all impoſitions and duties now payable for the ſame, and ſo in proportion for any greater or leſſer quantity. (45) For every pound of indico of foreign plantation, not being of the growth of any of the dominions or plantations belonging to the crown of *England*, imported within the ſaid time, four pence more than the ſame is charged with in the ſaid book of rates. (46) For every pound of indico of the growth of the dominions or plantations belonging to the crown of *England*, imported within the ſaid time, two pence more than the ſame is charged with in the ſaid book of rates. (47) For all iron, iron pots, kettles, backs for chimnies, iron ſlit or hammered into rods, frying pans, anvils wrought

Flax wrought, 15l. per 100l.

Tow, 5l. per 100l.

Flannel, 2d. per yard.

Frize, 3d. halfpenny per yard.

Furs, 5l. per 100l.

Gold thread, &c. 5l. per 100l.

Goats hair, *Carmenia*, 4d. per lb.

Goats hair common, 2d. per lb.

Hides, 5l. per 100l.

Buff, 2s. per piece.

Loſh hides, 1s. per piece.

Hemp, 5l. per 100l.

Diamonds, &c. per 100l. *Free*, 6 Geo. 2. c. 7.

Indico, 4d. per lb.

Plantation indico, 2d. per lb.

Iron pots, &c. from *Ireland*. By 7 & 8 W. 3. c. 10. ſ. 17.

Bar iron &c.

wrought, &c. may be imported from Ireland *duty free.* 2 W. & M. ſſ. 2. c. 4.

wrought ſingle, white and black plates, double white and black plates, and all other iron wares imported from *Ireland* within the ſaid time, the ſame reſpective duties as are laid on iron and iron wares imported from any foreign part, by one act made in the ſecond year of their Majeſties reign, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandizes, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety.* (48) For lattin ſhaven, black lattin, and round bottoms, imported within the ſaid time, ten pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (49) For leather of all ſorts imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (50) For all lime and lemon juice imported within the ſaid time, twenty pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (51) For litmus imported within the ſame time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion as aforeſaid. (52) For all *lapis calaminaris* exported within the ſaid time, twenty ſhillings for every ton, over and above all other duties payable for the ſame, and ſo in proportion for any greater or leſſer quantity. (53) For madder of all ſorts imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (54) For orchal imported within the ſaid time, five pounds for every hundred pounds value thereof, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion as aforeſaid. (55) For pintadoes or calicoe cupboard clothes, imported within the ſaid time, and not brought from *Eaſt India* or *China*, five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion as aforeſaid. (56) For pitch imported within the ſaid time, not being of the product of any of the dominions or plantations of the crown of *England* or *Scotland*, one moiety more than the ſame is charged with in the ſaid book of rates. (57) For all ſorts of plate of ſilver, gilt or ungilt, imported within the ſame time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (58) For rice imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (59) For rozin of all ſorts imported within the ſaid time (except *French* rozin) not being of the product of any of the dominions or plantations belonging to the

Lattin, 10l. per 100l.

Leather, 5l. per 100l.

Lime juice, 20l. per 100l.

Litmus, 5l. per 100l.

Lapis calaminaris, 1l. per ton. *By 7 & 8 W. 3. c. 10. ſ. 13. 2s. only ſhall be paid for every ton of lapis calaminaris exported.*

Madder, 5l. per 100l.

Orchal, 5l. per 100l. 8 Geo. 1. c. 15. ſ. 10.

Pintadoes, 5l. per 100l.

Pitch, half more than uſual rate.

Silver plate, 5l. per 100l.

Rice, 5l. per 100l.

Rozin, 10l. per 100l.

the crown of *England* or *Scotland*, ten pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion as aforeſaid. (60) For every weigh of ſalt imported within the ſaid time (except ſuch ſalt as ſhall be uſed in curing of fiſh) five ſhillings more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (61) For ſilk thrown of all ſorts, into the gum, imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (62) For every pound of ſilk wrought, other than alamodes and luſtrings, imported within the ſaid time, two ſhillings more than the ſame is charged with in the ſaid book of rates, or by an act of this preſent parliament made in the ſecond year of their Majeſties reign, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety*. (63) For ſilk ferret or floret, imported within the ſaid time, one moiety more than the ſame is charged with in the ſaid book of rates. (64) For ſkins of all ſorts imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (65) For all tarr imported within the ſaid time, not being of the product of any of the dominions or plantations belonging to the crown of *England* or *Scotland*, one moiety more than the ſame is charged with in the ſaid book of rates. (66) For ticks and tickins (except *Scotiſh* ticks and ticking) imported within the ſame time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (67) For every dozen pounds of thread outnel imported within the ſaid time, four ſhillings more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (68) For all tapiſtry and dornix imported within the ſaid time (except ſuch as are manufactured in, or brought from, any part of the *French* king's dominions) ten pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (69) For all wrought incle imported within the ſaid time, one moiety more than what is now paid for the ſame. (70) For all pantiles imported within the ſaid time, eight ſhillings the thouſand more than the ſame are charged with in the ſaid book of rates, and ſo in proportion as aforeſaid. (71) For all ſorts of dying wood imported within the ſaid time, (except red wood from *Guincy*, drugs and logwood) five pounds for every hundred pounds value, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (72) For all wax

Salt, 5s. per weigh. *For the manner in which it is to be paid, ſee* 3 Geo. 2. c. 20. f. 17.

Thrown ſilk, 5l. per 100l.

Wrought ſilk, 2s. per lb.

2 W. & M. ſt. 2. c. 4.

Silk ferret, half more than uſual rate.

Skins, 5s. per 100l.

Tarr, half more than uſual rate.

Ticks, 5l. per 100l.

Thread outnel, 4s. per dozen lb.

Tapiſtry, &c. 10l. per 100l.

Inkle wrought

Pan-tiles, 8s. per thouſand.

Dying wood, 5l. per 100l. 8 Geo. 1. c. 15. f. 10.

Wax, 5l. per

called *bees wax*, imported within the ſaid time, five pounds for every hundred pounds value, more than the ſame is charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (73) For every tun of *French* wine imported within the ſaid time, eight pounds above all duties already charged thereupon in the ſaid book of rates, or by any other law, and ſo in proportion for any greater or leſſer quantity. (74) Upon all *French* goods and merchandize (except wine, brandy, ſalt, and vinegar) which ſhall be imported within the ſaid time, five and twenty pounds for every hundred pounds value thereof, more than the ſame are charged with in the ſaid book of rates, and ſo in proportion for any greater or leſſer quantity. (75) For all ſilks called *alamodes* and *luſtrings*, imported within the ſaid time, from any ports or places whatſoever, fifteen pounds for every hundred pounds value, more than is paid for the ſame by any law now in force. (76) For all lattin, braſs, or copper wire, imported within the ſaid time, ſix ſhillings the hundred weight (containing one hundred and twelve pounds) above all other duties payable for the ſame. (77) Upon all goods and merchandizes not particularly rated in the ſaid book of rates, paying duty at value, imported within the ſaid time, five pounds for every hundred pounds value thereof, to be affirmed upon the oath of the importer, according to the direction of the ſaid book of rates; except mum, and ſuch goods and merchandizes as are particularly charged by this act, or an act of this preſent parliament, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *gooods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandizes, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety.* (78) For every gallon of ſtrong water, *Aqua vitæ*, or brandy, commonly called *ſingle brandy* or ſtrong waters, imported within the ſaid time, to be paid by the importer before landing, two ſhillings over and above the duties of exciſe and cuſtoms at any time before the ſecond year of their Majeſties reign payable for the ſame, [*Intended of duties payable by ſtatute in force*, 5 *W. & M. cap.* 2.] (79) For every gallon of ſtrong waters, ſpirits, or brandy above proof, called *double brandy*, imported within the ſaid time, to be paid by the importer before landing, four ſhillings over and above the duties of exciſe and cuſtoms at any time before the ſecond year of their Majeſties reign payable for the ſame. [*Intended of duties payable by ſtatute in force.* ibid.]

III. *And whereas by one act made in the ſecond year of their Majeſties reign, intituled,* An act for granting to their Majeſties ſeveral additional duties of exciſe upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year, doth expire, *it is amongſt other things enacted, that for every gallon of ſingle brandy, ſpirits, or* Aqua vitæ, *imported from beyond the ſeas, ſhould be paid by the importer before landing, over and above the duties payable for the ſame, four ſhillings;*

and

French wine, 8l. per tun.

For the increaſe and continuance of the duties on French *wines, ſee* 7 & 8 W. 3. c. 20. 1 Geo. 1. ſtat. 2. c. 12. ſ. 3.

French goods, 25l. per 100l. By 1 Geo. 2. ſtat. 2. c. 17. ſ. 1. 2. *French wine lees ſhall pay as wine.*

Silks, 15l. per 100l.

Lattin, 6s. per 100 lb.

Goods not in the book of rates.

2 W. & M. ſeſſ. 2. c. 4.

Brandy ſingle, 2s. per gallon.

Brandy double, 4s. per gallon.

Tax upon brandy 2 W. & M. ſeſſ. 2. c. 10. taken away.

and for every gallon of brandy, ſpirits, or Aqua vitæ, *above proof, commonly called* double brandy, *imported from beyond the ſeas, ſhould be paid by the importer before landing, over and above the duties payable for the ſame, eight ſhillings*; be it enacted by the authority aforeſaid, that the ſaid two clauſes laſt recited in the ſaid act mentioned, concerning ſingle brandy, ſpirits, or *Aqua vitæ*, and brandy, ſpirits, or *Aquavitæ*, above proof, called *double brandy*, are and ſhall be, from the firſt day of *March*, one thouſand ſix hundred ninety two, repealed; any thing in the ſaid laſt mentioned act to the contrary notwithſtanding.

Rates aforementioned how to be collected.

IV. Provided always, and be it enacted, That the ſeveral rates and impoſitions, hereby impoſed upon the reſpective goods and merchandizes aforeſaid, ſhall be collected and paid according to the reſpective rates and proportions herein expreſſed, and be raiſed, levied, collected, and paid unto their Majeſties during the time before mentioned, except where it is otherwiſe hereby directed, in the ſame manner and form, and by ſuch rules, means, and ways, and under ſuch penalties and forfeitures, as are mentioned and expreſſed in one act of parliament, made in the twelfth year of the reign of King *Charles* the Second, intituled, *A ſubſidy granted to the King of tonnage and poundage, and other ſums of money payable upon merchandize exported and imported*, and the rules, directions, and orders thereunto annexed, or any other law now in force, relating to the collection of their Majeſties cuſtoms: which ſaid act and acts, and every article, rule, and clauſe therein contained, ſhall ſtand and be in force for the purpoſes aforeſaid, during the continuance of this act.

12 Car. 2. c. 4.

Rates upon brandy how to be collected.

V. And be it further enacted, That the ſeveral rates and duties upon ſtrong water, *Aqua vitæ*, or brandy, commonly called *ſingle brandy*, or ſtrong water, and upon ſtrong water, ſpirits, or brandy above proof, called *double brandy*, ſhall be raiſed, levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, during the time before mentioned, in the ſame manner and form, and by ſuch rules, means, and ways, and under ſuch penalties and forfeitures, as are mentioned, expreſſed, and directed in one act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in Capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*; and alſo in another act of parliament made in the fifteenth year of his reign, intituled, *An additional act for the better ordering and collecting the duty of exciſe, and preventing the abuſes therein*, or in either of them, or in any other law now in force relating to the revenue of exciſe.

12 Car. 2. c. 24.

15 Car. 2. c. 11.

Merchant to give ſecurity to pay in a year's time, or 10 l. *per cent.* rebated for preſent payment.

VI. And be it further enacted, That for all additional duties hereby impoſed upon the aforementioned goods and merchandizes to be imported as aforeſaid, the importer, giving ſecurity at the cuſtom houſe, ſhall have time, not exceeding twelve months, for the payment of the ſame from the importation, to be paid by four equal and quarterly payments; or in caſe ſuch importer ſhall pay ready money, he ſhall have after the rate of ten

ten pounds *per centum* of the ſaid duty for a year abated to him, and if the goods and merchandizes aforementioned, imported as aforeſaid, for which the duties hereby granted, paid or ſecured at the importation thereof, be again exported by any merchant *Engliſh*, within twelve months, or by ſtrangers within nine months after the importation, then the aforeſaid duty ſhall be wholly repaid, or the ſecurity vacated, as to what ſhall be ſo exported, except all brandy, for which the aforeſaid duty ſhall not be repaid.

Theſe twelve and nine months enlarged to three years, by 7 Geo. 1. ſtat. 1. c. 21. ſ. 10.

Rebate to exporter of amber beads, &c.

VII. Provided nevertheleſs, That the ſeveral duties charged by this act upon all amber beads, amber rough, coral beads, and poliſhed coral, and all cowries, ſhall be repaid to the merchant exporting the ſame within three years after the importation thereof; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Brandy imported in veſſels not 60 gallons forfeited.

VIII. And for preventing the frauds frequently uſed in importing of ſtrong water, ſpirits, *Aqua vitæ*, or brandy, in ſmall quantities, whereby the ſame is more eaſily conveyed away without payment of the duties thereof; be it enacted, That from and after the five and twentieth day of *March*, one thouſand ſix hundred ninety three, no brandy, ſingle or double, ſhall be imported from parts beyond the ſeas, in any veſſel or caſk, which ſhall not contain ſixty gallons at the leaſt, upon pain of forfeiting the ſaid brandy, or the value thereof, ſo to be imported as aforeſaid, whereof one half ſhall be to their Majeſties, and the other half to ſuch perſons as ſhall inform or ſue for the ſame, to be recovered of the importer or proprietor thereof by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, wager of law, or protection ſhall be allowed, nor any more than one imparlance.

Duties to be paid into the *Exchequer* weekly.

IX. And be it further enacted, That all and every the officer and officers, who ſhall be concerned in levying the duties ariſing by this act, do keep a ſeparate and diſtinct account thereof, and pay the ſame *in ſpecie* into their Majeſties *exchequer* weekly; and upon neglect and refuſal of the ſame, every officer offending ſhall be forejudged from, and ſhall forfeit his place or office.

2 W. & M. ſſ. 2. c. 4.

X. *And whereas by the ſaid act, intituled*, an act for granting to their Majeſties certain impoſitions on all *Eaſt India* goods and merchandize, and upon all wrought ſilks, and upon ſeveral other goods and merchandize, to be imported after the five and twentieth day of *December*, one thouſand ſix hundred and ninety, *the ſum of ten pounds is impoſed on every hundred pounds value of grocery ware and drugs, wherein the ſeveral ſorts of raiſins, mentioned in the ſaid book of rates, are included, and likewiſe the ſum of five pounds for every hundred pounds value of currants, which is found by experience to leſſen the importation thereof*: Wherefore for remedy thereof, and the encouragement of merchants to import the ſaid goods, be it enacted, That from and after the five and twentieth day of *March*, one thouſand ſix hundred ninety and three, and thenceforth, during the continuance of the ſaid act, the

The ſum of 5l. per 100l. upon raiſins, and 2l. 10s. upon currants only.

New duties laid by 8 Annæ c. 7.

the ſum of five pounds only ſhall be paid for every hundred pounds value of raiſins of any ſort to be imported after the ſaid time, over and above the rates thereon charged in the ſaid book of rates: and fifty ſhillings, and no more, for every hundred pounds value of currants imported after the ſaid time, and thenceforth during the continuance of the laſt mentioned act, over and above the rates charged thereon in the ſaid book of rates (the ſaid act, or any thing therein contained to the contrary notwithſtanding) the ſame to be collected as in and by the ſaid act is directed and appointed.

The length and breadth of calico ſettled.

XI. *And whereas by the ſaid book of rates a value is impoſed on every piece of calico, without mention of the length whereof ſuch piece ſhould conſiſt*; be it further enacted, That no piece of calico imported from and after the firſt day of *March*, one thouſand ſix hundred ninety two, during the continuance of the ſaid laſt recited act, of the breadth of one yard and a quarter, or under, ſhall exceed in length ten yards, and no piece of calico imported after the ſaid time, during the continuance of the ſaid act, above that breadth, ſhall exceed ſix yards; and if any piece of calico ſhall exceed thoſe lengths, the ſame ſhall be rated according to the reſpective length of ten yards, and ſix yards for each piece, and pay for the ſame in that proportion for a greater or leſſer quantity, according to the ſum rated upon each piece of calico in the ſaid book of rates; and that the ſubſidy, as well as the additional duties upon callicoes by the ſaid laſt recited act appointed, ſhall be collected and paid according to that admeaſurement of each piece of calico ſo imported from and after the ſaid time, and not otherwiſe; any thing in the ſaid book of rates or in the ſaid act to the contrary notwithſtanding.

Meaſure of Eaſt country linen ſettled.

XII. And for the better aſcertaining, explaining, and ſettling the meaſures of *Eaſt* country linen, be it enacted, That all linen of *Pruſſia*, *Polonia*, or any part of the *Eaſt* country (except *Ruſſia*) above the breadth of three quarters and half quarter of a yard, ſhall pay as broad *Germany* linen, during the continuance of the ſaid laſt recited act; and all whited hinderlands from the ſame countries, under that breadth, ſhall pay during the ſaid time, as narrow *Eaſt* country linen.

1 W. & M. ſſ. 2. c. 6. Coffee reduced to 2l. 16s. per 100lb. Cocoa nuts to 6d. per lb. Tea to 1s. per lb. and chocolate 1s. per lb. *See the note on* 1 *W. & M.* ſſ. 2. c. 6. 10 Geo. 1. c. 10. 18 Geo. 2. c. 26.

XIII. *And whereas by one act made in the firſt yaar of their Majeſties reign, intituled*, An act for the charging and collecting the duties upon coffee, tea, and chocolate, at the cuſtom houſe, *it is enacted, that from and after the five and twentieth day of* December, *one thouſand ſix hundred eighty nine, five pounds and twelve ſhillings ſhall be paid for every hundred weight of coffee imported into any parts within this kingdom, dominion of* Wales, *or town of* Berwick *upon* Tweed, *accounting one hundred and twelve pounds to the hundred weight, over and beſides what was then paid or payable for the ſame, at the cuſtom houſe; and for every hundred weight of cocoa nuts imported, and containing as aforeſaid, eight pounds and eight ſhillings, over and beſides what was then paid for the ſame, at the cuſtom houſe; and for every pound weight of tea imported*

imported five ſhillings; and for every pound weight of chocolate ready made five ſhillings, over and beſides what was then charged on tea or chocolate reſpectively, at the cuſtom houſe; which duties are ſo exceſſive, that few of the ſaid goods or merchandizes have been entered at the cuſtom houſe ſince the making of the ſaid act, or any duty anſwered to their Majeſties for the ſame: Wherefore for reducing the ſaid duties to a more reaſonable rate and impoſition, for the encouragement and advancement of trade, and the greater importation of the ſaid reſpective goods and merchandizes, be it enacted, That from and after the ſaid five and twentieth day of *March*, one thouſand ſix hundred ninety and three, there ſhall be anſwered and paid unto their Majeſties for every hundred weight of coffee imported, containing as aforeſaid, during the continuance of the ſaid laſt mentioned act, the ſum of ſix and fifty ſhillings, and no more: and for every pound of cocoa nuts imported from any of the dominions or plantations belonging to the crown of *England*, after the ſaid time, during the continuance of the ſaid act, the ſum of ſix pence, and no more; and from any other countries or places after the ſaid time, during the continuance of the ſaid act, eight pence: and for every pound of tea imported after the ſaid time, from any place from which it may be by law imported, one ſhilling, and no more: and for every pound weight of chocolate ready made, imported after the time aforeſaid, during the continuance of the ſaid act, one ſhilling, and no more; any thing in the ſaid laſt recited act, or any other matter or thing to the contrary in any wiſe notwithſtanding. Provided always, That the rates and duties hereby appointed to be paid as aforeſaid, for the ſaid reſpective merchandizes of coffee, cocoa nuts, tea, and chocolate, ſhall be paid and anſwered to their Majeſties, during the continuance of the ſaid act, over and above the reſpective duties charged or chargeable upon every of them in the ſaid book of rates before the making of the ſaid act.

Alamodes how to be imported.

XIV. Provided always, and be it enacted by the authority aforeſaid, for the better encouragement of the manufacture of plain ſilks, called *alamodes* and *luſtrings*, in this kingdom, none of the ſaid foreign ſilks ſhall be imported into this kingdom after the five and twentieth day of *March*, one thouſand ſix hundred ninety three, but upon notice firſt given to the commiſſioners or farmers of their Majeſties cuſtoms for the time being, of the quality and quantity, with marks, numbers, and package, of ſuch ſilks ſo intended to be imported, with the name of the ſhip and maſter or commander, on which they are to be laden, and the place into which they intend to import the ſame, and taking a licence under the hands of the commiſſioners or farmers for the time being, or any three of them, for the lading and importing thereof as aforeſaid, which licence they are hereby authorized and required to grant without any fee or reward, or any other charge, to the perſons demanding the ſame; any law, cuſtom, or uſage to the contrary notwithſtanding;

ſtanding: and in caſe any of the ſaid goods ſhall be imported without ſuch notice being firſt given, and licence taken out, as aforeſaid, the ſame ſhall be forfeited, one moiety thereof to the uſe of their Majeſties, their heirs and ſucceſſors, and the other moiety to him or them that ſhall ſeize or ſue for the ſame in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, privilege, protection, or wager of law, nor more than one imparlance ſhall be allowed.

XV. Provided always, and be it enacted by the authority aforeſaid, That the officers of the cuſtoms ſhall not take or receive from the merchant exporting any of the commodities chargeable by this or any other act with any additional duties, above what is chargeable by the book of rates, any fee or reward for paſſing any debenture for repayment of the duties to be paid back on exportation, according to the ſaid acts, but ſhall only receive ſuch fees as were payable for debentures for the repayment of the half ſubſidy, according to the book of rates, and no more: nor ſhall any fee or reward be taken for any oath to be adminiſtred at any cuſtom houſe upon this act.

XVI. *And whereas by an act made in the third year of their Majeſties reign, intituled,* An act for granting to their Majeſties certain impoſitions upon beer, ale, and other liquors, for one year, *it is enacted, That no collector, ſupervisor, gauger, or other officer, concerned in the charging, collecting, or managing the duty of exciſe, ſhall either by letter, meſſage, or word of mouth, endeavour to perſwade any elector to give, or diſſwade any elector from giving his vote for any perſon or perſons that ſhall be in nomination to be elected a member or members of parliament: and whereas by the ſaid act it is further declared and enacted, That true notes in writing of the laſt gauges, made or taken by the ſaid gaugers, ſhall be left by them with all brewers, makers, or retailers of beer, ale, or other exciſeable liquors reſpectively, or ſome of their ſervants, at the time of their taking the ſaid gauges, containing the quantity and quality of the liquors ſo gauged, under the ſeveral penalties in the ſaid act mentioned*; be it declared and enacted, That the ſaid act, ſo far as relates to elections of members to ſerve in parliament, and leaving true notes in writing of the laſt gauges made or taken by the ſaid gaugers, with the ſeveral penalties reſpectively relating thereunto, be, from and after the firſt day of *March* next, hereby revived, and ſhall continue and be in force during the continuance of this act, and from thence to the end of the next ſeſſion of parliament, and no longer.

3 W. & M. c.1. That collectors ſhall not be concerned in elections, and ſhall give notes of their gauges, continued.

XVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to advance and lend to their Majeſties into the receipt of their *Exchequer*, upon the credit of this act, any ſum or ſums of money not exceeding the ſum of five hundred and ten thouſand pounds in the whole; and to have and receive, for the forbearance of all ſuch monies as ſhall be lent, intereſt not exceeding the rate of eight pounds *per centum per annum*.

Clauſe of credit for 510,000 l.

XVIII. And

Money to be paid into the Exchequer weekly.

XVIII. And be it further enacted and ordained by the authority aforeſaid, That all and every the officer and officers, who ſhall be concerned in the levying, collecting, and receiving the duties ariſing by this act, do keep a ſeparate and diſtinct account thereof, and pay the ſame *in ſpecie* into the receipt of their Majeſties *Exchequer* weekly on *Wedneſday* in every week, unleſs it be an holiday, and then the next day after which ſhall not be an holiday; and upon neglect or refuſal of the ſame ſhall incur the penalties, forfeitures, damages, and coſts, as other the officers of the *Exchequer* herein after mentioned ſhall be liable to; which moneys ſo paid in, ſhall be applied to the uſes hereafter mentioned in this act, and no otherwiſe.

A particular book to be kept, tallies how to be given, regiſter to be in courſe without preference.

XIX. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties *Exchequer* (that is to ſay) in the office of the auditor of the receipts, one book, in which all monies, that ſhall be paid into the *Exchequer* by virtue of this act, ſhall be entred and regiſtred apart and diſtinct from all other monies paid or payable to their Majeſties upon any account whatſoever; and that all and every perſon and perſons, natives or foreigners, bodies politick or corporate, who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the *Exchequer*, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his or their repayment, bearing the ſame date with the talley; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, not exceeding the rates aforeſaid, for his or their conſideration, to be paid every three months, until repayment of his or their principal; and that all orders for repayment of money ſhall be regiſtred in courſe, according to the date of the talley reſpectively, without preference of one before another; and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand regiſtred in the ſaid book, ſo as that the perſon, native or foreigner, his, or their executors, adminiſtrators, or aſſigns, who ſhall have his, her, or their order or orders firſt entred in the ſaid book, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act; and he or they, who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the monies to come in by this act ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators, or aſſigns, ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majeſties ſubjects for providing or making any ſuch books, regiſters, entries, view or ſearch as aforeſaid, or in or for the payment of money lent, or the intereſt as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved

grieved by the party offending, with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo. And if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages, and coſts, to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after incapable of his place or office. And in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid. All which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any of the officers aforeſaid, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint ſhall be in any wiſe granted or allowed.

What ſhall not be an undue preference.

XX. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day.

XXI. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay ſubſequent orders of perſons that come and demand their money, and bring their order, before other perſons that did not come to demand their money, and bring their order in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.

Money in the Exchequer how aſſigned over.

XXII. And be it further enacted by the authority aforeſaid, That every perſon or perſons, to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter aforeſaid for payment thereof, his executors, adminiſtrators, or aſſigns, by indorſement of his order, may aſſign and transfer his right, title, intereſt, and benefit of ſuch order, or any part thereof, to any other, which being notified in the office of the auditor of receipt aforeſaid, and an entry or memorial thereof alſo made in the book of regiſter aforeſaid for orders (which the officers ſhall, upon requeſt, without fee or charge accordingly make)

make) ſhall intitle ſuch aſſignee, his executors, adminiſtrators, and aſſigns to the benefit thereof, and payment thereon: and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons, who have or hath made ſuch aſſignments, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof.

1,226,516 l. 10 s. appropriated out of this year's tax to the navy.

XXIII. And be it enacted by the authority aforeſaid, That out of the money which ſhall be levied and paid into the receipt of the *Exchequer*, as well upon loan as otherwiſe, by virtue of this act, or any other act of this ſeſſion of parliament for granting aids or ſupplies to their Majeſties (other than an act, intituled, *An act for granting to their Majeſties an aid of four ſhillings in the pound for one year, for carrying on a vigorous war againſt* France) the ſum of twelve hundred twenty ſix thouſand five hundred and ſixteen pounds ten ſhillings, ſhall be applied and appropriated, and is hereby appropriated to and for the payment of officers and ſeamen that have ſerved, and ſhall ſerve in their Majeſties navy royal, and for the paying for ſtores, proviſions, and victuals, ſupplied and to be ſupplied for the ſaid navy, and to and for the expences of their Majeſties office of ordnance in reſpect to naval affairs, and for other neceſſary uſes and ſervices performed and to be performed in and for the ſaid navy, and not otherwiſe. And if any officer any way belonging to their Majeſties revenue, or to the exchequer, navy, or ordnance reſpectively, ſhall wittingly and wilfully divert or miſapply any part of the money hereby appropriated, to any other purpoſe, than to the uſes hereby directed, contrary to the true intent of this act, ſuch officer and officers ſo offending ſhall forfeit his and their office and place, and is and are hereby diſabled and made incapable to hold or execute the ſaid office, or any other office whatſoever.

Ante, c.1.

Puniſhment upon officer miſapplying.

Foreign ſtores ſold to the navy, not charged by this act.

XXIV. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That the new or additional duties impoſed by this act, ſhall not extend to affect ſuch foreign ſtores as have been ſold to the uſe of their Majeſties navy, by contract with the navy board, before the firſt day of *January*, one thouſand ſix hundred ninety two, ſo as a certificate be given from the commiſſioners of the navy, that ſuch foreign ſtores have been ſo contracted for by them for their Majeſties ſervice as aforeſaid, and ſo as the importer of the ſame do make oath before the commiſſioners appointed to manage the cuſtoms (which oath they are hereby impowered to adminiſter) of the truth of the ſaid contract, and that he will deliver the ſaid goods into their Majeſties ſtores, purſuant to the contract ſo certified by the commiſſioners of the navy.

An oath to be taken by the commiſſioners of the cuſtoms.

XXV. And as well that the revenue of the cuſtoms may be more duly and regularly anſwered, as to render the ſeveral impoſts, granted by this preſent act, a more effectual ſupply to their Majeſties; be it further enacted by the authority aforeſaid, That as well the commiſſioners as the patent officers, and any of

deputies, clerks, or ſervants, who have or ſhall have
loyment in or about their Majeſties cuſtoms, ſhall be-
nineteenth day of *April* next, or at their reſpective ad-
hereafter to ſuch employment, take their corporal oaths
rue and faithful execution, to the beſt of their know-
d power, of their ſeveral truſts and employments com-
their charge and inſpection, and that they will not take
e any reward or gratuity, directly or indirectly, other
ir reſpective ſalaries, and what is or ſhall be allowed
m the crown, or the regular fees eſtabliſhed by law, for
ice done or to be done in the execution of their employ-
the cuſtoms upon any account whatſoever.

CAP. VI.

r raiſing the militia of this kingdom for the year one thouſand ſix d ninety and three, although the month's pay formerly advanced repaid. EXP.

CAP. VII.

to prevent abuſes committed by the traders in butter and cheeſe.

ASMUCH *as divers countries of this kingdom conſiſt chiefly lairy farms, and are in great meaſure ſupported by the ſale of d cheeſe, the growth and product of the ſame; and by an rliament made in the fourteenth year of the reign of his late* King Charles *the Second, intituled,* An act for reforming in the weighing and falſe packing of butter, *the weight r aſcertained, and the goodneſs of the butter is ſecured, under and penalties therein mentioned: and whereas the cheeſemon-* London, *their factors or agents (without any authority) ointed in all or moſt of the ſea port towns in the ſaid counties r officer, called a* weigher, *who oftentimes, ſeveral weeks cheeſe and butter hath been bought and approved by the fac- agents of the ſaid cheeſemongers at the ſeller's houſe, have m them (without any authority) to weigh and ſearch the ſaid hen the ſame comes to the ſea ports to be ſhipped, and there hat the ſame is faulty, and ſet rates of deduction thereupon, notes thereof to the factors who bought ſuch butter; and factor comes to pay the ſeller for the ſame, they demand an t accordingly, which if the ſeller refuſeth to allow, there are indictments or informations exhibited againſt the ſellers, upon ct of the fourteenth of the ſaid late King, and great oppreſ- e been and are daily committed, to the great loſs and damage land owners and farmers in the ſaid counties, contrary to the nt and meaning of the ſaid act:* for prevention whereof, 13 & 14 Car. 2. c. 26.

e it enacted by the King's and Queen's moſt excellent s, by and with the advice and conſent of the lords ſpi- d temporal, and commons, in this preſent parliament d, and by the authority of the ſame, That after the r buyer hath bought and contracted for the ſaid commo- d approved the ſame at the ſeller's houſe, or the place e expoſes the ſame to ſale, by ſearching and weighing the

Seller of butter, &c. diſcharged from the penalty of 13 & 14 Car. 2. c. 26. after the buyer hath bought and approved of the commodity.

the ſame (if he think fit) the ſeller ſhall not after be charged, or chargeable with, or liable to, any of the penalties in the ſaid recited act of the fourteenth year of the ſaid late King *Charles* the Second mentioned or inflicted, upon any pretence of want of weight, falſe pacting, or mouldy butter, or the tare or weight not being ſet upon the caſk, or otherwiſe; but from thenceforth ſhall be and is hereby diſcharged of and from the ſaid act; any other law, ſtatute, or uſage to the contrary thereof in any wiſe notwithſtanding.

Penalty upon ſeller changing, &c. the commodity after ſold.

III. And for the preventing any fraud in the ſeller, after the factor or buyer hath bought and contracted for the ſaid butter, and approved of the ſame; be it further enacted by the authority aforeſaid, That the ſaid factor or buyer ſhall ſet his ſeal or mark upon the ſaid butter, or the caſk in which it is, or his name at length; and in caſe the ſame ſhall afterwards be exchanged or be opened, and the caſk wherein the ſame is put up changed, or any bad and decayed butter ſhall be mixed and packed up with ſound and good butter, or any other fraud be committed by the ſeller, and the offender be thereof convicted upon oath made of the ſaid offence before one or more of their Majeſties juſtice or juſtices of the peace by one or more witneſs or witneſſes (which oath the ſaid juſtice or juſtices are hereby impowered and required to adminiſter) or upon confeſſion of the offender or offenders before ſuch juſtice or juſtices, the ſaid party or parties ſhall forfeit the ſum of twenty ſhillings for every ſuch firkin and offence, to be levied by diſtreſs and ſale of the offender's goods and chattels, the overplus to be reſtored after all charges of the ſaid diſtreſs defrayed: and every conſtable of the pariſh, or chief conſtable of the hundred, where ſuch offence ſhall be committed, are hereby authorized and required to levy the ſame accordingly by warrant under the hand and ſeal of the ſaid juſtice or juſtices ſo to do.

The weighers of butter and cheeſe ſhall ſhip off all that belongs to the London cheeſemongers, &c.

IV. And to the end the trade for butter and cheeſe may not be ingroſſed by particular perſons, but may be free and open to all perſons, and eſpecially to all the cheeſemongers who are free of the city of *London*; be it further enacted by the authority aforeſaid, That all and every warehouſe-keeper, weigher, ſearcher, or ſhipper of butter and cheeſe, at any port or place in this kingdom, ſhall receive into his or their poſſeſſion or warehouſe, all butter and cheeſe that ſhall be brought to him or them for any of the cheeſemongers free of the city of *London*, or other perſon making the ſaid commodities, and ſhall take due care thereof until the ſame ſhall be ſhipped, and ſhall ſhip the ſaid butter and cheeſe ſucceſſively, as it ſhall come to his or their hands reſpectively (without undue preferring one man's goods before another's) on the next ſhip, or hoy, or veſſel, that ſhall come to ſuch port or place to lade butter or cheeſe for *London* (except the owners of the ſaid goods ſhall give orders to the contrary) and ſhall receive for his and their reſpective care and pains therein, of the owners of the ſaid goods, the ſum of two ſhillings and ſix pence for every load, and no more, and ſo proportionably:

Fee to the weigher.

ionably: and if any ſuch perſon or perſons, or his or their ſervant or ſervants, ſhall refuſe or neglect to receive ſuch goods, or to take due care thereof, or ſhall not ſhip the ſaid goods as they come to his or their hands ſucceſſively as aforeſaid, that every ſuch offender and offenders, being thereof convict in manner as aforeſaid, ſhall forfeit for every firkin of butter ten ſhillings, and for every weigh of cheeſe five ſhillings, to be levied in manner as aforeſaid.

Penalty upon weighers offending.

V. And for the prevention of frauds and undue practices herein, be it further enacted by the authority aforeſaid, That all and every warehouſe-keeper, weigher, ſearcher, or ſhipper of butter and cheeſe, in any ſuch port or place, ſhall from and after the firſt day of *April*, one thouſand ſix hundred ninety and three, keep a book, wherein he and they ſhall duly and fairly enter all butter and cheeſe that ſhall be brought to him or them, as the ſame comes to his or their reſpective hands; in which entry ſhall be inſerted the time when ſuch goods were received, and the quantity of ſuch goods, and the name of the owner of the ſame; and ſhall make the like entries when the ſaid goods are ſhipped or put on board, of the time when the ſame were ſhipped on board, and the maſter's name, and the veſſel's name in which the ſame are ſhipped or put on board, and to whom the ſame are conſigned; which book ſo kept ſhall be free and open for all perſons to ſee and ſearch at all times, without paying any thing for ſuch ſearch; and if ſuch warehouſe-keeper, weigher, ſearcher, or ſhipper of butter and cheeſe, ſhall not keep ſuch book as aforeſaid, or ſhall refuſe, neglect, or omit to make ſuch entries therein as aforeſaid, or ſhall make any undue entries therein (by undue preferring one man's goods before another) or ſhall refuſe in the day-time to produce ſuch book to be ſearched as aforeſaid; that every ſuch offender and offenders, being thereof convict in manner as aforeſaid, ſhall forfeit for every firkin of butter two ſhillings and ſix pence, and for every weigh of cheeſe two ſhillings and ſix pence, and for every other the aforeſaid offence the ſum of two ſhillings and ſix pence, to be levied in manner as aforeſaid: and in caſe ſuch offender or offenders ſhall not have goods and chattels ſufficient for the levying the ſaid penalty, that then it ſhall and may be lawful for the juſtice or juſtices, before whom ſuch conviction ſhall be made, to commit ſuch offender and offenders to the gaol without bail or mainprize, there to remain until ſuch penalties ſhall be paid and ſatisfied.

Weighers &c. ſhall keep a book of the receiving and ſhipping the butter, &c.

Penalty upon conviction before a juſtice.

VI. And be it further enacted by the authority aforeſaid, That if any maſter of any ſhip, hoy, or veſſel coming to ſuch port or place to lade butter and cheeſe, or his or their ſervant or ſervants, ſhall refuſe to take and receive on board his and their reſpective veſſels any ſuch butter and cheeſe as ſhall be tendred to be ſhipped by ſuch warehouſe-keeper, weigher, ſearcher, or ſhipper of butter and cheeſe, before the ſame be ſufficiently laden, that then every ſuch offender and offenders, being thereof convict in manner aforeſaid, ſhall forfeit for every firkin of butter

Penalty upon maſter of ſhip refuſing to take in butter, &c.

ter ſo refuſed five ſhillings, and for every weigh of cheeſe ſo refuſed two ſhillings and ſixpence, to be levied in manner as aforeſaid.

Penalties divided betwixt informer and poor.

VII. Provided, That one half of all penalties and forfeitures within this act ſhall be to the uſe of the poor inhabiting within the pariſh where ſuch offence ſhall be from time to time committed, to be paid to the churchwardens and overſeers of the poor of and in ſuch pariſh, and the other half to the informer, to be diſtributed by the ſaid juſtice or juſtices before whom the offender or offenders ſhall be convicted.

Cheeſemongers, &c. may make uſe of their own veſſels.

VIII. Provided always, That this act, nor any thing therein contained, ſhall extend to exclude any cheeſemonger or cheeſemongers, free of the city of *London*, from ſending his and their own proper veſſels for his and their own proper and reſpective goods; but that it ſhall and may be lawful to and for ſuch perſon and perſons to ſend his and their own proper veſſels, or ſuch other veſſels as he or they ſhall hire and ſend from *London* to freight by charter-party for his and their own reſpective proper goods, and to and for the warehouſe-keeper at ſuch ports where ſuch veſſels ſhall be ſent, to ſhip the aforeſaid goods on board, and to and for ſuch maſters of ſuch veſſels, and their ſervants, to receive the ſame, as he, they, or any of them, could or might have done before the making of this act.

Warehouſes, &c. in Cheſter and Lancaſter, ſaved.

IX. Provided, That nothing in this act contained ſhall extend or be conſtrued to extend to any warehouſe which now is, or hereafter ſhall be, within the counties of *Cheſter* or *Lancaſter*, or within the county of the city of *Cheſter*, nor to any veſſel or boat at any time belonging to, or that ſhall come into, any of the ports or havens of any the ſaid counties.

Appeal lies from juſtice to ſeſſions, ſecurity being given for coſts.

X. Provided always, That if any perſon or perſons ſhall think him or themſelves aggrieved by the determination of any juſtice of the peace, who ſhall at any time act in purſuance of the powers to him given by this act, it ſhall and may be lawful to and for ſuch perſon or perſons to appeal to the next general quarter ſeſſions of the peace to be held for the county, riding, city, or town corporate, where the ſaid offence ſhall be committed, the determination of which juſtices ſhall be final and concluſive to all parties; the perſon ſo appealing firſt giving to the party accuſed a bond of the penalty of twenty pounds, with one or more ſufficient ſureties to the liking of the ſaid juſtice of peace from whom the ſaid appeal ſhall be ſo made, to pay ſuch coſts to the ſaid party accuſed, as the ſaid court of quarter ſeſſions ſhall allow, in caſe the appellant be not relieved upon his ſaid appeal; the ſaid coſts to be ſo paid within one month after the hearing and determining the ſaid appeal.

CAP. VIII.

An act for encouraging the apprehending of highwaymen.

WHEREAS *the highways and roads within the kingdom of* England, *and dominion of* Wales, *have been of late time more infeſted with thieves and robbers than formerly, for want of due and ſufficient*

ſufficient encouragement given, and means uſed, for the diſcovery and apprehenſion of ſuch offenders, whereby ſo many murders and robberies have been committed, that it is become dangerous in many parts of the nation for travellers to paſs on their lawful occaſions, to the great diſhonour of the laws of this realm, and the government thereof: for remedy whereof,

Reward to him that ſhall take an highwayman.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March*, one thouſand ſix hundred ninety and three, all and every perſon and perſons, who ſhall apprehend and take one or more ſuch thieves or robbers, and proſecute him or them ſo apprehended and taken, until he or they be convicted of any robbery committed in or upon any highway, paſſage, field, or open place, ſhall have and receive from the ſheriff or ſheriffs of the county where ſuch robbery and conviction ſhall be made and done, without paying any fee for the ſame, for every ſuch offender ſo convicted the ſum of forty pounds, within one month after ſuch conviction and demand thereof made, by tendring a certificate to the ſaid ſheriff or ſheriffs under the hand or hands of the judge or juſtices before whom ſuch felon or felons ſhall be convicted, certifying the conviction of ſuch felon or felons for a robbery done within the county of the ſaid ſheriff or ſheriffs, and alſo that ſuch felon or felons was or were taken by the perſon or perſons claiming the ſaid reward; and in caſe any diſpute ſhall happen to ariſe between the perſons ſo apprehending any of the ſaid thieves and robbers touching their right and title to the ſaid reward, that then the ſaid judge or juſtices, ſo reſpectively certifying as aforeſaid, ſhall in and by their ſaid certificate direct and appoint the ſaid reward to be paid unto and amongſt the parties claiming the ſame, in ſuch ſhare and proportions as to the ſaid judge or juſtices ſhall ſeem juſt and reaſonable. And if it ſhall happen any ſuch ſheriff or ſheriffs ſhall die, or be removed before the expiration of one month after ſuch conviction and demand made of the ſaid reward (not being paid as aforeſaid) that then the next ſucceeding ſheriff or ſheriffs of the ſaid county ſhall pay the ſame within one month after demand and certificate brought as aforeſaid: and if default of payment of the ſaid ſum or ſums of money ſhall happen to be made by any ſheriff or ſheriffs, ſuch ſheriff or ſheriffs ſo making default ſhall forfeit to the perſon or perſons, to whom ſuch money is due as aforeſaid, double the ſum or ſums of money he ought to have paid, to be recovered by him or them, or his or their executors or adminiſtrators, in any of their Majeſties courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no eſſoin, protection, or wager of law ſhall be allowed, with treble coſts of ſuit by him or them expended in the recovery of the ſame.

Extended to robberies in London, by 6 Geo. 1. c. 23. ſ. 8.

How to be recovered.

III. And be it further enacted, That in caſe any perſon or perſons ſhall happen to be killed by any ſuch robber or robbers,

endeavouring to apprehend or in making purſuit after him or them, that then the executors or adminiſtrators, or ſuch perſon or perſons to whom the right of adminiſtration of the perſonal eſtate of each perſon ſo killed ſhall belong (upon certificate delivered under the hands and ſeals of the judge or juſtices of aſſize for the county where the fact was done, or the two next juſtices of the peace, of ſuch perſon or perſons being ſo killed, which certificate the ſaid judge or juſtices, upon ſufficient proof before them made, are immediately required to give without fee or reward) ſhall receive the ſum of forty pounds from the ſheriff or ſheriffs of the county where the ſaid fact was done and committed, and upon failure of payment thereof by the ſaid ſheriff or ſheriffs, double the ſaid ſum of forty pounds to be recovered againſt him or them with treble coſts of ſuit, in manner and form as aforeſaid.

Executors, &c. of perſons killed ſhall have the reward.

IV. And it is hereby further enacted, That all ſheriffs, their executors, or adminiſtrators, upon producing ſuch reſpective certificates, and the receipts for the money by them paid in purſuance of this act, ſhall be allowed, and are hereby impowered to deduct, upon their accounting with their Majeſties, their heirs, and ſucceſſors, all monies (other than the double ſum and ſums of money, and coſts of ſuit) which they ſhall diſburſe as aforeſaid, without any fee or reward whatſoever.

Sheriffs ſhall be allowed it in their accounts.

V. Provided always, That if, upon the account of any ſheriff or ſheriffs, there ſhall not be monies ſufficient in the hands of ſuch ſheriff or ſheriffs to reimburſe him or them ſuch monies paid by him or them by virtue of this act, that then the ſheriff or ſheriffs, having ſo paid the ſaid monies, ſhall have the ſame repaid by the lord treaſurer or commiſſioners of their Majeſties treaſury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect.

Sheriff not having ſufficient, to be repaid by the treaſury. *See alſo* 3 *Geo.* 1. c. 15. ſ. 4.

VI. And it is hereby further enacted, That all and every perſon and perſons who ſhall ſo take, apprehend, proſecute, or convict ſuch robber or robbers as aforeſaid, as a further reward, ſhall have and enjoy to his and their proper uſe and behoof the horſe, furniture, and arms, money, or other goods of the ſaid robber or robbers that ſhall be taken with him or them; any their Majeſties right or title, bodies politick or corporate, or the right or title thereunto of the lord of any manor, liberty, or franchiſe, or of him or them lending or letting the ſame to hire to any ſuch robber or robbers, in any wiſe notwithſtanding. Provided always, That this clauſe, or any thing therein contained, ſhall not be conſtrued to extend to take away the right of any perſon or perſons to ſuch horſes, furniture and arms, money, or other goods, from whom the ſame were before feloniouſly taken.

Highwayman's horſe, &c. given to the apprehender.

VII. And be it further enacted, That if any perſon or perſons, being out of priſon, ſhall from and after the ſaid five and twentieth day of *March*, commit any robbery, and afterwards diſcover two or more perſon or perſons, who already hath or hereafter ſhall commit any robbery, ſo as two or more of

Perſon concerned diſcovering two others pardoned.

of the perſon or perſons diſcovered ſhall be convicted of ſuch robbery, any ſuch diſcoverer ſhall himſelf have, and is hereby intitled to, the gracious pardon of their Majeſties, their heirs and ſucceſſors, for all robberies which he or they ſhall have committed at any time or times before ſuch diſcovery made; which pardon ſhall be likewiſe a good bar to any appeal brought for any ſuch robbery.

CAP. IX.

An act for reviving two former acts of parliament, for the repairing the highways in the county of Hertford.

WHEREAS *there was an act of parliament made in the fifteenth year of the reign of our late ſovereign lord King* Charles *the Second, intituled,* An act for the repairing the highways within the counties of *Hertford, Cambridge,* and *Huntingdon, to be in force for the ſpace of eleven years from the commencement thereof; and whereas there was afterwards one other act of parliament made in the ſixteenth and ſeventeenth years of the reign of the ſaid late King* Charles *the Second, intituled,* An act for continuance of a former act, for repairing the highways within the county of *Hertford, both which ſaid acts are ſome years paſt expired, and the highways within the ſaid county of* Hertford, *intended by the ſaid acts to be repaired, are ſince (by great burthens and carriages uſed to paſs through the ſame) become dangerous and impaſſable:* to the end therefore that the ſaid highways within the county of *Hertford* (being the great roads to the north parts of this kingdom) may be ſufficiently repaired and amended by the proviſions mentioned in the ſaid acts, the ſame being not to be done by the ordinary courſe of the laws and ſtatutes of this realm, may it pleaſe your Majeſties that it may be enacted:

15 Car. 2. c. 1.

16 & 17 Car. 2. c. 10.

Further continued by 6 Geo. 1. c. 20.

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That the toll mentioned in the ſaid acts to be taken at *Wades Mill* for the county of *Hertford* be revived, ſet up, and taken again, in the manner by the ſaid acts mentioned, to continue for the ſpace of fifteen years from the paſſing of this act, and that the monies thereby ariſing be employed for the repair of the ſaid highways within the ſaid county of *Hertford,* according to the tenor of the ſaid acts.

Toll at Wades Mill revived for 15 years.

III. Provided always, That if the ſaid highways before the expiration of the ſaid term of fifteen years be in good and ſufficient repair, and an adjudication thereof be made at the aſſize or general quarter ſeſſions to be holden for the ſaid county (as is provided by the ſaid ſtatutes of the ſixteenth and ſeventeenth years of King *Charles* the Second) the toll ſhall from thenceforth ceaſe and determine, as in the ſaid act is directed and appointed.

Toll when to ceaſe.

16 & 17 Car. 2. c. 10.

IV. And it is hereby further enacted and declared by the authority aforeſaid, and the ſeveral officers and perſons impowered

Officers and collecting, as in former acts.

ered in and by the ſaid acts to the purpoſes therein mentioned, ſo far as may any ways concern or relate to the ſaid county of *Hertford*, ſhall from henceforth have the like powers and authorities by virtue of this preſent act, as they and every of them had by virtue of the ſaid former acts; and that all clauſes, proviſions, penalties, forfeitures, and exceptions whatſoever therein mentioned concerning the collecting, paying, ingaging, or accounting for the ſaid toll at *Wades Mill*, be from henceforth by virtue of this act renewed and put in execution again, during the continuance of this preſent act, as if they were herein particularly expreſſed and repeated. *Repealed as to the county of* Hertford. 6 Geo. 2. *c.* 24.

CAP. X.

An act for prohibiting the importation of all foreign hair buttons.

13 & 14 Car. 2. c. 13. 10 W. 3. c. 2. 8 Ann. c. 6. 4 Geo. 1. c. 7. 7 Geo. 1. c. 12.

WHEREAS *by an act made in the fourteenth year of the reign of his late Majeſty King* Charles *the Second, intituled,* An act prohibiting the importation of foreign bone-lace, cut-work, imbroidery, fringe, band-ſtrings, buttons, and needle-work, *amongſt other things in the ſaid act mentioned, all foreign buttons made of thread or ſilk are prohibited to be imported and ſold in the kingdom of* England, *or dominion of* Wales: *and whereas ſince the making of the ſaid act, hair buttons are chiefly uſed and worn, and the button makers of* England *do make better hair buttons than any are imported from foreign parts, and are able to ſupply this kingdom with greater quantities of them than they can make uſe of; yet becauſe buttons made of hair are not expreſly mentioned in the ſaid act (although they were thereby intended to be prohibited) many perſons who are enemies to the manufactures of this kingdom, taking advantage of the ſaid omiſſion, do daily import ſuch great quantities of hair buttons, that the button trade of* England *is very much decayed, and many thouſands of poor people, that were formerly kept at work in the ſaid trade, are like to periſh for want of employment, and all the other miſchiefs mentioned in the ſaid act, which relate to the button trade, and were thereby intended to be remedied, are become as great as they were at the time of the making of the ſaid act*; for redreſs whereof, and the more effectual prevention of the like miſchiefs for the future;

Foreign hair buttons not to be imported, &c.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety and three, no foreign buttons made or to be made of hair, nor any other foreign buttons whatſoever, ſhall be imported, brought in, ſent, or conveyed into the kingdom of *England*, dominion of *Wales*, or port or town of *Berwick* upon *Tweed*, or bartered, ſold, exchanged, or offered

fered to be bartered, ſold, or exchanged, upon pain of forfeiting all the ſaid buttons ſo imported, brought in, bartered, ſold, or exchanged, or offered to be bartered, ſold, or exchanged, and upon ſuch further and other pains, penalties, and forfeitures, as are mentioned, contained, and expreſſed in the ſaid recited act; one moiety of all which forfeitures to be to the uſe of our ſovereign lord and lady the King and Queen, their heirs, and ſucceſſors, and the other moiety thereof to the perſon or perſons that ſhall ſue for the ſame in any of their Majeſties courts of record, by bill, plaint, action of debt, information, or otherwiſe, wherein no eſſoin, protection, or wager of law ſhall be allowed. Penalty.

III. And be it further enacted by the authority aforeſaid, That for the preventing the importing, bartering, ſelling, vending, or expoſing to ſale any foreign buttons whatſoever, the juſtices of the peace within the kingdom of *England*, dominion of *Wales*, or port or town of *Berwick* upon *Tweed*, within their ſeveral and reſpective counties, cities, and towns corporate have the ſame authority and power, and the ſame authority and power is hereby given unto the ſaid juſtices, to iſſue forth their warrants, to ſeize, or cauſe to be ſeized, all foreign buttons whatſoever, as by the ſaid act is given unto them for the ſeizing of foreign buttons made of thread or ſilk, and other the manufactures in the ſaid act mentioned. Juſtices of peace have power to ſeize.

CAP. XI.

An act for examining, taking, and ſtating the publick accounts of this kingdom. EXP. *Revived by* 5 & 6 W. & M. c. 23. till April, 1695.

CAP. XII.

An act to make pariſhioners of the church united contributors to the repairs and ornaments of the church to whom the union is made.

WHEREAS *by an act of parliament made in the ſeventeenth year of the reign of King* Charles *the Second of bleſſed memory, proviſion was made for the uniting churches in cities and towns corporate: and for as much as it is highly reaſonable that pariſhioners of pariſhes whoſe churches are demoliſhed, and either before or afterwards united to other churches, ſhould be contributors towards the repairs and other parochial charges of ſuch other church, to which by virtue of the ſaid act they are united:* 17 Car. 2. c. 3.

II. Therefore be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That where any churches heretofore have been, or hereafter ſhall be, united by virtue of the ſaid act, and one of the ſaid churches ſo united was, at the time of ſuch union, or ſhall afterwards be demoliſhed, that in all ſuch caſes, as often as the church which was or ſhall be made the church preſentative, and to which the union was or ſhall be made, ſhall be out of repair, or there ſhall be need of decent ornaments for the performance of divine ſervice If two churches be united, and one of them down, the pariſhioners of that church ſhall pay toward the repairs, &c. of the other.

vice therein, that the pariſhioners of the pariſh, whoſe church ſhall then be down or demoliſht, ſhall bear and pay towards the charges of ſuch repairs and decent ornaments, ſuch ſhare and proportion as the archbiſhop or biſhop that ſhall make ſuch union ſhall by the ſame union direct and appoint; and for want of ſuch direction and appointment, then one third part of ſuch charges of the repairs and decent ornaments, which ſhall be made or provided; and the ſame ſhall be rated, taxed, and levied, and in default thereof ſuch proceſs and proceedings ſhall be had and made againſt him or them, as if it were for the reparation and finding decent ornaments for their own pariſh church, if no ſuch union had been made; any law, cuſtom, uſage, or opinion, to the contrary heretofore notwithſtanding.

CAP. XIII.

EXP. An act for puniſhing officers and ſoldiers, who ſhall mutiny or deſert their Majeſties ſervice, and for puniſhing falſe muſters, and for the payment of quarters. *Continued by* 5 & 6 W. & M. c.15. *till* 1 March, 1693.

CAP. XIV.

EXP. An act for review of the quarterly poll granted to their Majeſties in the laſt ſeſſion of this preſent parliament.

CAP. XV.

An act for continuing certain acts therein mentioned, and for charging ſeveral joint ſtocks.

Moſt gracious ſovereigns,

WE your Majeſties moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, for a further ſupply to your Majeſties for the more effectual proſecuting the preſent war againſt *France*, have cheerfully and unanimouſly given and granted unto your Majeſties the impoſitions and duties hereafter mentioned, for and during the reſpective terms hereafter expreſſed; and do beſeech your Majeſties to accept thereof, and that it may be enacted:

Duties upon wine and vinegar.

II. And be it enacted by the King's and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That the ſeveral impoſitions and duties upon wines and vinegar, granted by an act made in the firſt year of the late King *James*, intituled, *An act for granting his Majeſty an impoſition upon all wines and vinegar, imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety and three*; which ſaid act, by an act of this preſent parliament, made in the ſecond year of their Majeſties reign, was continued from the three and twentieth day of *June*, one thouſand ſix hundred and ninety three, until the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, ſhall be continued from the three and twentieth day of *June*, one thouſand ſix hundred and ninety ſix, until the four and twentieth day of *June*, one thouſand ſix hundred

hundred and ninety eight, and no longer: and that the ſaid firſt mentioned act, and all powers, proviſions, penalties, articles, and clauſes therein contained, ſhall continue and be of full force and effect, until the ſaid four and twentieth day of *June*, one thouſand ſix hundred and ninety eight, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, according to the tenor and intent of this preſent act, as fully to all intents and purpoſes, as if all and every the clauſes, matters, and things in the ſaid act contained, had been again repeated in this act, and particularly enacted.

Duties upon tobacco and ſugar. 1 Jac. 2. c. 3.

III. And be it further enacted by the authority aforeſaid, That the rates and duties and impoſitions for all ſorts of tobacco granted by an act made in the firſt year of the reign of the late King *James* intituled, *An act for granting to his Majeſty an impoſition upon all tobacco and ſugar, imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety three*, which ſaid act (as for and concerning the ſaid duties and impoſitions upon tobacco only) by an act of this preſent parliament, made in the ſecond year of their Majeſties reign, was continued from the ſaid three and twentieth day of *June*, in the ſaid year one thouſand ſix hundred ninety three, until the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, ſhall be continued from the ſaid three and twentieth day of *June*, one thouſand ſix hundred and ninety ſix, until the four and twentieth day of *June*, one thouſand ſix hundred and ninety eight, and no longer; and that the ſaid act made in the firſt year of the late King *James*, for granting the ſaid impoſitions upon tobacco and ſugar, as for and concerning tobacco only, and all powers, proviſions, penalties, articles, and clauſes therein contained, concerning the ſaid rates and duties upon all ſorts of tobacco, ſhall continue and be of full force and effect, until the ſaid four and twentieth day of *June*, one thouſand ſix hundred and ninety eight; and ſhall be applied, practiſed, and executed for the raiſing, levying, executing, anſwering, and paying the ſaid duties upon tobacco hereby continued, according to the tenor and intent of this preſent act, as fully to all intents and purpoſes, as if the ſaid act, and all and every the clauſes, matters, and things therein particularly contained, had been again repeated in this act, and particularly enacted for this purpoſe.

Duties upon Eaſt India goods, &c. 2 W. & M. ſſ. 2. c. 4. *continued till* 1697. 1 Jac. 2. c. 3.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral additional and other rates, impoſitions, duties, and charges, upon the ſeveral ſorts of goods and merchandize granted by an act of this preſent parliament made in the ſecond year of their Majeſties reign, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety*; and which were thereby to have continuance until the tenth day of *November*,

one thouſand ſix hundred ninety five, ſhall be continued from the ninth day of *November*, one thouſand ſix hundred ninety five, and ſhall be raiſed, levied, collected, anſwered, and paid unto their Majeſties, their heirs and ſucceſſors, until the tenth day of *November*, one thouſand ſix hundred ninety ſeven; and that the ſaid act, intituled, *An act for granting to their Majeſties certain impoſitions upon all* Eaſt India *goods and manufactures, and upon all wrought ſilks and ſeveral other goods and merchandize, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety*, and all powers, proviſions, penalties, articles, and clauſes therein contained, ſhall continue and be of full force and effect, until the ſaid tenth day of *November*, one thouſand ſix hundred ninety ſeven, and ſhall be applied, practiſed, and executed for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, according to the tenor and intent of this preſent act, as fully to all intents and purpoſes, as if the ſaid laſt mentioned act, and all and every the clauſes, matters, and things therein contained, had been again repeated in this act, and enacted particularly; except only as to ſuch part of the ſaid impoſitions, touching which other proviſions or alterations are or ſhall be made by any other act of this preſent ſeſſion of parliament, which other proviſions or alterations are to be obſerved, and to continue, during the continuance of this preſent act.

Clauſe of credit for 500,000l. at 8 per cent. *See* 7 & 8 W. 3. c. 10. ſ. 7.

V. Provided always, and it is hereby enacted, That it ſhall and may be lawful to and for any perſon and perſons to advance and lend unto their Majeſties, as well upon the ſecurity of this act, as of the ſeveral herein before mentioned acts, from and after the ſeveral and reſpective ſums thereupon reſpectively charged ſhall be fully ſatisfied and paid, any ſum or ſums of money, not exceeding in the whole the ſum of five hundred thouſand pounds, and to have and receive for the forbearance thereof any ſum not exceeding eight pounds by the hundred for one whole year, and no more, directly or indirectly.

Regiſter to be kept in the Exchequer, giving out tallies and payment of the money in courſe.

VI. And to the end that all monies which ſhall be lent unto their Majeſties upon the credit of this act, and of the before-mentioned acts, may be well and ſufficiently ſecured out of the monies ariſing and payable by this act, or by any of the ſaid before-mentioned acts, from and after the ſeveral ſums charged upon the ſaid acts, or any of them at any time before the fifth day of *March*, one thouſand ſix hundred ninety two, ſhall be reſpectively anſwered and paid, be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties exchequer (that is to ſay) in the office of the auditor of receipts, one book or regiſter, in which all monies that ſhall be paid into the Exchequer by virtue of this act, or any of the before mentioned acts, ſhall be entred and regiſtred apart and diſtinct from all monies paid or payable to their Majeſties upon any other branch of their Majeſties revenue, or any other account whatſoever. And that all and every perſon and perſons, who ſhall lend any money to their Majeſties upon the credit

of

of this act, and pay the ſame into the receipt of the Exchequer, ſhall immediately have a tally of loan ſtruck for the ſame, and an order for his repayment, bearing the ſame date with his tally. In which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, after the rate ſo to be allowed for the ſame, ſo as ſuch intereſt do not exceed the rate of eight pounds *per centum per annum*, for his conſideration, to be paid every three months, until repayment of his principal; and that all orders for repayment of money ſhall be regiſtred in courſe according to the date of the tally reſpectively, without preference of one before another, and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand entred in the ſaid regiſter book, ſo as that the perſon, native or foreigner, his executors, adminiſtrators and aſſigns, who ſhall have his order or orders firſt entred in the ſaid book of regiſter, ſhall be taken and accounted as the firſt perſon to be paid, upon the monies to come in by virtue of this act, or any the before-mentioned acts, from and after payment of the ſeveral ſums reſpectively charged upon the ſaid acts, before-mentioned; and he or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted the ſecond perſon to be paid, and ſo ſucceſſively and in courſe. And that the monies to come in by this act, or by the ſaid former acts, ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators or aſſigns ſucceſſively, without preference one before another, and not otherwiſe, and not to be divertible to any other uſe, intent or purpoſe whatſoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any of their Majeſties ſubjects, for providing or making of any ſuch books, regiſters, entries, views or ſearch in or for payment of money lent, or the intereſt, as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, upon pain of payment of treble damages to the party grieved, by the party offending, with coſts of ſuit, or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo. And if any undue preference of one before another ſhall be made either in point of regiſtry or payment contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages and coſts to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, damages and coſts, and ſhall be for ever after uncapable of his place or office; and in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment according to each perſon's due place and order, as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages and coſts, in ſuch manner, as aforeſaid; all which ſaid penalties, forfeitures, damages and

coſts

coſts to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint or information in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

VII. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment, as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day.

VIII. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their money, and bring their orders before other perſons that did not come to demand their monies, and bring their orders in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.

Manner of transferring.

IX. And be it further enacted by the authority aforeſaid, That every perſon or perſons to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter for payment thereof, his executors, adminiſtrators or aſſigns by indorſement of his order, may aſſign and transfer his right, title, intereſt and benefit of ſuch order, or any part thereof, to any other, which being notified in the office of the auditor of receipts aforeſaid, and an entry and memorial thereof alſo made in the book of regiſter aforeſaid, for orders (which the officers ſhall upon requeſt, without fee or charge, accordingly make) ſhall intitle ſuch aſſignee his executors, adminiſtrators and aſſigns to the benefit thereof, and payment thereon; and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*, and afterwards it ſhall not be in the power of ſuch perſon or perſons who have, or hath made ſuch aſſignments to make void, releaſe or diſcharge the ſame, or any the monies thereby due, or any part thereof.

Five pounds *per cent.* upon Eaſt India ſtocks.

X. And be it further enacted by the authority aforeſaid, That the ſeveral rates and ſums of money herein after mentioned ſhall be anſwered and paid to their Majeſties, that is to ſay, There ſhall be anſwered to their Majeſties the ſum of five pounds for every hundred pounds of the joint ſtock of the *Eaſt India* company, the ſaid joint ſtock being valued at the rate of ſeven hundred forty four thouſand pounds, the ſame to be paid by the governor and treaſurer of the ſaid *Eaſt India* company, by four equal quarterly payments; the firſt payment to be made upon the ſaid five and twentieth day of *March*, one thouſand ſix hundred ninety and three, and to be deducted from the ſeveral perſons intereſted in the ſaid joint ſtock, according to their ſeveral ſhares and proportions therein, upon their next dividends.

XI. And

XI. And be it further enacted, That for every ſhare in the joint ſtock of the royal *African* company, according as the number of ſhares are now reckoned and computed, there ſhall be anſwered and paid to their Majeſties the ſum of twenty ſhillings, the ſame to be paid by the governor and treaſurer of the ſaid royal *African* company, by four equal quarterly payments, the firſt payment to be made upon the ſaid five and twentieth day of *March*, one thouſand ſix hundred ninety and three, and to be deducted according to the ſeveral ſhares and proportions of the members of the ſaid company, in the joint ſtock thereof, upon their next dividends. Twenty ſhillings upon African ſhares.

XII. And be it further enacted by the authority aforeſaid, That for every ſhare in the joint ſtock of the *Hudſons-Bay* company, according as the number of ſhares are now reckoned and computed, there ſhall be anſwered and paid to their Majeſties the ſum of five pounds, the ſame to be paid by the governor and treaſurer of the ſaid *Hudſons-Bay* company, by four equal quarterly payments, the firſt payment to be made upon the ſaid five and twentieth day of *March*, one thouſand ſix hundred ninety and three, and to be deducted according to the ſeveral ſhares and proportions of the members of the ſaid company in the joint ſtock thereof, upon their next dividends. And in caſe the governors and treaſurers of the ſaid reſpective companies ſhall make default in payment of the ſaid ſeveral ſums, or any of them reſpectively, charged on the ſtocks of the ſaid companies, at the days and times aforeſaid, according to the true intent of this act, the charter of ſuch company reſpectively, ſhall be, and is hereby adjudged to be void. Five pounds upon Hudſons-Bay ſhares.

XIII. And be it further enacted by the authority aforeſaid, That from and after the ſixth day of *April*, one thouſand ſix hundred ninety and three, no perſon be admitted to ſwear to a debenture for any duties to be drawn back upon re-exportation, but he who is the true exporter, as being either intereſted in the propriety and hazard of the goods on the exportation, or as being employed by commiſſion, is concerned in the direction of the voyage, ſo as to be able to judge that the goods are really and *bona fide* exported, and not landed, nor intended to be re-landed in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*. Perſons intereſted only to ſwear to debenture for rebate.

XIV. *And whereas it is found by experience, That great quantities of goods are daily imported from foreign parts in a fraudulent and clandeſtine manner, without paying the cuſtoms and duties due and payable to their Majeſties, and the ſame hath of late been much increaſed and promoted by ill men, who, notwithſtanding the laws already made, do undertake as inſurers, or otherwiſe, to deliver ſuch goods ſo clandeſtinely imported, at their charge and hazard, into the houſes, warehouſes, or poſſeſſion of the owners thereof:* For the preventing ſo great a miſchief, be it enacted by the authority aforeſaid, That all and every perſon or perſons whatſoever, who, by way of inſurance or otherwiſe, ſhall undertake or agree to deliver any goods or merchandizes whatſoever, to be imported from Five hundred pounds penalty on perſon inſuring to import prohibited goods, or goods without cuſtom.

from parts beyond the ſeas, at any port or place whatſoever within this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, without paying the cuſtoms and duties that ſhall be due and payable for the ſame at ſuch importation, or any prohibited goods whatſoever, or in purſuance of ſuch inſurance, undertaking or agreement, ſhall deliver, or cauſe or procure to be delivered, any prohibited goods, or ſhall deliver or cauſe or procure to be delivered, any goods or merchandizes whatſoever, without paying ſuch duties and cuſtoms as aforeſaid, knowing thereof, and all and every their aiders, abettors, and aſſiſtants, ſhall for every ſuch offence forfeit and loſe the ſum of five hundred pounds over and above all other forfeitures and penalties to which they are liable by any act already in force.

This and the following ſection farther provided for by 8 & 9 W. 3. c. 36. ſ. 2.

Five hundred pounds penalty upon perſon, who ſhall be ſo inſured.

XV. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons whatſoever, who ſhall agree to pay any ſum or ſums of money for the inſuring or conveying any goods or merchandizes that ſhall be ſo imported, without paying the cuſtoms and duties due and payable at the importation thereof, or of any prohibited goods whatſoever, or ſhall receive or take ſuch prohibited goods into his or their houſe or warehouſe or other place on land, or ſuch other goods, before ſuch cuſtoms and duties are paid, knowing thereof, ſhall alſo for every ſuch offence forfeit and loſe the like ſum of five hundred pounds; the one half of the ſaid forfeitures to be to their Majeſties, and the other half to the informer, or ſuch perſon or perſons as ſhall ſue for the ſame.

Reward to inſurer, diſcovering.

XVI. And be it further enacted by the authority aforeſaid, That if the inſurer, conveyor, or manager of ſuch fraud, be the diſcoverer of the ſame, he ſhall not only keep and enjoy the inſurance money or reward given him, and be diſcharged of the penalties to which he is liable by reaſon of ſuch offence, but ſhall alſo have to his own uſe one half of the forfeitures hereby impoſed upon the party or parties making ſuch inſurance or agreement, or receiving the goods as aforeſaid; and in caſe no diſcovery ſhall be made by the inſurer, conveyor or manager as aforeſaid, and the party or parties inſured or concerned in ſuch agreement ſhall make diſcovery thereof, he ſhall recover and receive back ſuch inſurance money or *præmium*, as he hath paid upon ſuch inſurance or agreement, and ſhall have to his own uſe one moiety of the forfeitures impoſed upon ſuch inſurer, conveyor, or manager as aforeſaid, and ſhall alſo be diſcharged of the forfeitures hereby impoſed upon him or them.

Manner of recovering the penalty.

XVII. And be it enacted, That all the ſaid penalties and forfeitures ſhall be recoverable according to the courſe of the court of *Exchequer*, in like manner as other penalties and forfeitures in like caſes are recoverable.

Proviſo that proſecution be

XVIII. Provided, That no penalty hereby inflicted ſhall be recoverable, unleſs the ſame be proſecuted within twelve months after

after the time ſuch fact was committed; any thing in this act to the contrary notwithſtanding. within twelve months.

XIX. And for preventing doubts touching the application of monies which ſhall accrue to their Majeſties for the cuſtom of prize goods, be it declared and directed by the authority aforeſaid, That all duties, as well cuſtoms as impoſts, and by what act or acts ſoever, that ſhall accrue and be payable to their Majeſties at the cuſtom houſe after the five and twentieth day of *March*, one thouſand ſix hundred ninety three, for any goods or merchandize taken, condemned, and ſold as prize, ſhall be applied intirely to the credit of an act of this preſent ſeſſion of parliament, intituled, *An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandize, for the proſecuting the preſent war againſt* France, any other act to the contrary in any wiſe notwithſtanding. Application of the duties. 4 & 5 W. & M. c. 5.

CAP. XVI.

An act to prevent frauds by clandeſtine mortgages.

WHEREAS *great frauds and deceits are too often practiſed by neceſſitous and evil-diſpoſed perſons in borrowing of money, and giving judgments, ſtatutes, and recognizances privately, for ſecuring the repayment of the ſaid money, and the ſame perſons do afterwards borrow money upon ſecurity of their lands of other perſons, and do not acquaint the latter lender thereof with the ſame, whereby ſuch late lender is very often in danger to loſe his whole money, or forced to pay off the debts ſecured by the ſaid judgments, ſtatutes, and recognizances, before they can have any benefit of the ſaid mortgages: And whereas divers perſons do many times mortgage their lands more than once, without giving notice of their firſt mortgage, whereby lenders of money upon ſecond or after mortgages do often loſe their money, and are put to great charges in ſuits and otherwiſe:* For remedy whereof, and preventing the ſame as much as may be for the future,

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons from and after the firſt day of *May* which ſhall be in the year of our Lord one thouſand ſix hundred ninety and three, ſhall borrow any money, or for any other valuable conſideration, for the payment thereof, voluntarily give, acknowledge, permit, or ſuffer to be entred, againſt him or them, one or more judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, to any perſon or perſons, creditor or creditors; and if the ſaid borrower or borrowers, debtor or debtors, ſhall afterwards take up or borrow any other ſum or ſums of money of any other perſon or perſons, or for other valuable conſideration become indebted to ſuch perſon or perſons, and for ſecuring the repayment and diſcharge thereof, ſhall mortgage his, her, or their lands or tenements, or any part Debtor upon judgment, &c. taking up money of another upon a mortgage, without notice of the judgment to the mortgagee, ſhall loſe his equity to redeem.

part thereof, to the ſaid ſecond or other lender or lenders of the ſaid money, creditor or creditors, or to any other perſon or perſons in truſt for, or to the uſe of, ſuch ſecond or other lender or lenders, creditor or creditors, and ſhall not give notice to the ſaid mortgagee or mortgagees of the ſaid judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, in writing under his, her, or their hand or hands, before the execution of the ſaid mortgage or mortgages; unleſs ſuch mortgager or mortgagers, his, her, or their heirs, upon notice to him, her, or them, given by the mortgagee or mortgagees of the ſaid lands and tenements, his, her, or their heirs, executors, adminiſtrators, or aſſigns, in writing under his, her, or their hands and ſeals, atteſted by two or more ſufficient witneſſes, of any ſuch former judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, ſhall within ſix months pay off and diſcharge the ſaid judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, and all intereſt and charges due thereupon, and cauſe or procure the ſame to be vacated or diſcharged by record: that then the mortgager or mortgagers of the ſaid lands and tenements, his, her, or their heirs, executors, adminiſtrators, or aſſigns, ſhall have no benefit or remedy againſt the ſaid mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns, or any of them, in equity or elſewhere, for redemption of the ſaid lands and tenements, or any part thereof; but the ſaid mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, and aſſigns, ſhall and may hold and enjoy the ſaid lands and tenements for ſuch eſtate and term therein, as were or was granted and ſettled to the ſaid mortgagee or mortgagees, againſt the ſaid mortgager or mortgagers, and all perſon and perſons lawfully claiming from, by, or under him, her, or them, freed from equity of redemption, and as fully to all intents and purpoſes whatſoever, as if the ſame had been purchaſed abſolutely and without any power or liberty of redemption.

Perſon mortgaging twice, without notice of the firſt mortgage, loſes his equity.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who have or hath once mortgaged, or from and after the ſaid firſt day of *May* ſhall mortgage, any lands or tenements to any perſon or perſons, for ſecurity of money lent, or otherwiſe accrued or become due, or for other valuable conſiderations; and if the ſaid mortgager or mortgagers ſhall again mortgage the ſame lands or tenements, or any part thereof, to any other perſon or perſons for valuable conſiderations (the ſaid former mortgage being in force and not diſcharged) and ſhall not diſcover to the ſaid ſecond or other mortgagee or mortgagees, or ſome or one of them, the former mortgage or mortgages, in writing under his or their hands; that then and in thoſe caſes alſo, the ſaid mortgager or mortgagers, his, her, or their heirs, executors, adminiſtrators, or aſſigns, ſhall have no relief or equity or redemption againſt the ſaid ſecond or after mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns, upon the ſaid after mortgage or mortgages,

2 Vern. 589, 590.

mortgages, but that ſuch mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, and aſſigns, ſhall and may hold and enjoy ſuch more than once mortgaged lands and tenements, for ſuch eſtate and term therein, as were or was granted and conveyed by the ſaid mortgager or mortgagers, againſt him, her, or them, his, her, or their heirs, executors, or adminiſtrators reſpectively, freed from equity of redemption, and as fully to all intents and purpoſes, as if the ſame had been an abſolute purchaſe, and without any power or liberty of redemption.

Under mortgagees may redeem.

IV. Provided always, and be it further enacted by the authority aforeſaid, That nevertheleſs if it ſo happen there be more than one mortgage at the ſame time made by any perſon or perſons, to any perſon or perſons, of the ſame lands and tenements, the ſeveral late or under mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns, ſhall have power to redeem any former mortgage or mortgages, upon payment of the principal debt, intereſt, and coſts of ſuit, to the prior mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Dower ſaved.

V. Provided always, That nothing in this act contained ſhall be conſtrued, deemed, or extended, to bar any widow of any mortgager of lands or tenements from her dower and right in or to the ſaid lands, who did not legally join with her huſband in ſuch mortgage, or otherwiſe lawfully bar or exclude herſelf from ſuch her dower or right.

CAP. XVII.

An act for the regaining, encouraging, and ſettling the Greenland *trade.*

WHEREAS *the trade to* Greenland *and the* Greenland *ſeas, in the fiſhing for whales there, hath been heretofore a very beneficial trade to this kingdom, not only in the employing great numbers of ſeamen and ſhips, and conſuming great quantities of proviſions, but alſo in the bringing into this nation great quantities of oil, blubber, and fins:*

II. *And whereas neighbouring nations do yearly make great advantage thereby, not only ſupplying themſelves with that ſort of oil and fins, but by vending into other parts great quantities thereof, and particularly into this kingdom, where the ſaid trade is now quite decayed and loſt:*

III. *And whereas ſeveral merchants of this kingdom did heretofore endeavour to ſettle and regain the ſaid trade, and for their encouragement therein, it was by an act of parliament made in the five and twentieth year of the reign of his late majeſty King* Charles *the Second, intituled,* An act for the encouragement of the *Greenland* and *Eaſtland* trades, and for the better ſecuring the plantation trade, *(amongſt other things) enacted, That in regard there was then great want of harponiers and ſeamen ſkilled and exerciſed in the trade of whale-fiſhing, it ſhould and might be lawful for any ſhip* 25 Car. 2. c. 7.

or veſſel truly belonging to England, Wales, *or the town of* Berwick *upon* Tweed, *and whereof the maſter ſhould be an* Engliſhman, *and inhabiting within the places aforeſaid, from and after the firſt day of* May, *which was in the year of our Lord one thouſand ſix hundred ſeventy and three, and until the five and twentieth day of* March, *which was in the year of our Lord one thouſand ſix hundred eighty and three, employed for the catching of whales, during ſuch voyage, to be navigated with one moiety of the harponiers and one moiety of the reſt of the mariners only* Engliſh, *and yet to pay no further or other cuſtom for the oil, blubber, or fins, caught or imported in ſuch ſhip or veſſel, than if ſuch ſhip or veſſel had been navigated with three fourths of the mariners* Engliſh; *which ſaid act was by another act of parliament made in the ſecond year of their preſent Majeſties reign, intituled,* An act for granting to their Majeſties a ſubſidy of tonnage and poundage, and other ſums of money payable upon merchandizes exported and imported, *continued for four years:*

2 W. & M. ſſ. 1. c. 4.

IV. *And whereas ſeveral merchants and other perſons of this kingdom were by the firſt recited act encouraged to fit out and ſend to the ſaid* Greenland *ſeas ſome ſhips or veſſels for the catching of whales, whereby ſome ſmall quantities of oil, blubber, and whale fins were imported into this kingdom, but they not being able to carry on the ſaid trade upon their ſingle or ſeparate intereſts, in regard that the neighbouring nations did yearly ſend far greater numbers of ſhips into theſe ſeas, the ſaid merchants and other perſons of this kingdom were forced to deſiſt from following the ſaid trade, which is now wholly ingroſſed by foreigners; and ſince the expiration and revival of the ſaid act, there have not been any ſhips ſent from* England *to the ſaid* Greenland *ſeas, or any oil, blubber, or whale fins imported into* England, *but ſuch as have been bought of foreigners, whereby great ſums of money are yearly drawn out of* England *for thoſe commodities, and the rates and prices which are now paid for the ſame, are now above ſix times more than heretofore they were, and the ſaid trade having been for above theſe twelve years laſt paſt wholly loſt to this kingdom, there are very few or no* Engliſh *harponiers or* Engliſh *ſeamen ſkilled and exerciſed in the ſaid trade of whale-catching, ſo that the ſaid trade cannot now be regained to this kingdom, nor can be carried on by or without the aſſiſtance of foreign harponiers and ſeamen, or upon the ſingle intereſts or ſtocks of any particular perſons, or by any other way than by a joint ſtock:*

V. And whereas for the regaining, enlarging and encouraging the ſaid trade, a ſtock of forty thouſand pounds at the leaſt is a neceſſary fund to be raiſed, for the regaining and carrying on the ſaid trade, whereby it may become beneficial to this kingdom. And whereas Sir *William Scawen* knight, *Henry Bertie, Robert Hooks, John Skinner, George Boddington, Francis Goſfright, Edmond Prideaux, Edmond Harriſon, John Jurin, Edward Buckley, Benjamin Steele, Mordecai Abbot, Robert Michell, John Gunſton, John Knapp, Thomas Skinner, William Braughton, Robert Briſtow, Robert Hackſhaw, John Bridges, James Boddington, Peter Percivall, Thomas Philips, Charles Michell, Samuel Heward,*

ard, Samuel Naſh, Benjamin Smith, Nicholas Cutler, Thomas Chambers, Peter Gray, James Ball, Thomas Kett, Humphry Simpſon, Richard Munford, John Plumbe, Richard Cook, Peter Godfrey, Ambroſe Bray, Auguſtine Munford, Joſiah Ordway, Joſeph Paice and *Thomas Gunſton*, have undertaken and agreed to raiſe by ſubſcriptions amongſt themſelves the ſaid ſtock or fond of forty thouſand pounds at leaſt, to be wholly employed in the regaining, managing and carrying on the ſaid trade; may it pleaſe your moſt excellent Majeſties, that it may be enacted:

Power given to Sir William Scawen, &c. to raiſe a joint-ſtock of 40000 l.

VI. And be it enacted by the King and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That a joint ſtock of forty thouſand pounds at leaſt, ſhall be raiſed by ſubſcriptions by the ſaid Sir *William Scawen, Henry Bertie, Robert Hookes, John Skinner, George Boddington, Francis Gosfright, Edmond Prideaux, Edmond Harriſon, John Jurin, Edward Buckley, Benjamin Steele, Mordecai Abbot, Robert Mitchell, John Gunſton, John Knapp, Thomas Skinner, William Broughton, Robert Briſtow, Robert Hackſhaw, John Bridges, James Boddington, Peter Percival, Thomas Phipps, Charles Michell, Samuel Howard, Samuel Naſh, Benjamin Smith, Nicholas Cutler, Thomas Chambers, Peter Gray, James Ball, Thomas Kett, Humphry Simpſon, Richard Munford, John Plumbe, Richard Cook, Peter Godfrey, Ambroſe Bray, Auguſtine Munford, Joſiah Ordway, Joſeph Paice* and *Thomas Gunſton*, on or before the firſt day of *May* now next coming, and ſhall be paid to the uſe of the company eſtabliſhed by this act, in ſuch manner as by this act is directed.

Sir William Scawen, &c. made a corporation by the name of the Greenland company, and to buy lands, not exceeding 1001. per annum.

VII. And for the better regaining, managing and carrying on the ſaid trade, for the publick good of this kingdom, be it further enacted by the authority aforeſaid, That the ſaid Sir *William Scawen, Henry Bertie, Robert Hookes, John Skinner, George Boddington, Francis Gosfright, Edmond Prideaux, Edmond Harriſon, John Jurin, Edward Buckley, Benjamin Steele, Mordecai Abbot, Robert Michell, John Gunſton, John Knapp, Thomas Skinner, William Broughton, Robert Briſtow, Robert Hackſhaw, John Bridges, James Boddington, Peter Percival, Thomas Phipps, Charles Michell, Samuel Howard, Samuel Naſh, Benjamin Smith, Nicholas Cutler, Thomas Chambers, Peter Gray, James Ball, Thomas Kett, Humphrey Simpſon, Richard Munford, John Plumbe, Richard Cook, Peter Godfrey, Ambroſe Bray, Auguſtine Munford, Joſiah Ordway, Joſeph Paice* and *Thomas Gunſton*, and all and every other perſon and perſons, being natural born ſubjects of this realm, or perſons naturalized or endenizend, who ſhall have any ſhare or intereſt in the ſaid joint ſtock, ſhall be one body corporate and politick, in deed and in name, by the name of the company of merchants of *London* trading to *Greenland*; and that by the ſame name of the company of merchants of *London* trading to *Greenland*, they ſhall have ſucceſſion and a common ſeal, and that they and their ſucceſſors by the name aforeſaid, ſhall be able and capable in law, and ſhall have per-

fect power and ability in law to have, purchaſe, receive, poſſeſs, enjoy and retain to them and their ſucceſſors, lands, rents, tenements and hereditaments, of what kind, nature, or quality ſoever, ſo as the ſame exceed not the yearly value of one hundred pounds: and alſo to ſell, grant, demiſe, alien or diſpoſe of the ſame, and by the ſame name to ſue and implead, to be ſued and impleaded, anſwer, and be anſwered in any courts of record, or other places whatſoever, and to do and execute all and ſingular other matters and things by the name aforeſaid, that to them ſhall or may appertain to do, and all other things whatſoever, which any other body corporate or politick can or may lawfully do or execute.

The company may trade to Greenland, &c

VIII. And be it further enacted by the authority aforeſaid, that the ſaid company of merchants of *London* trading to *Greenland*, and their ſucceſſors ſhall, during the continuance of this joint ſtock hereby appointed to be raiſed, have, uſe and enjoy the free trade and traffick, and ſhall and may freely traffick and uſe the trade and art of merchandize and catching of whales by ſea or otherwiſe, to, into and from *Greenland*, and the *Greenland* ſeas, and to, into and from the ſeveral ports, havens and places which are ſituate, lying and being in *Greenland* and the *Greenland* ſeas, and in all other ſeas and places whatſoever (except in the ſeas belonging to their Majeſties colonies and plantations in *America*,) and to, and from all and every of them, without any hindrance, interruption, denial or diſturbance whatſoever, any ſtatute, uſage, or other cauſe or matter whatſoever to the contrary notwithſtanding.

A governor to be choſen.

IX. And be it further enacted, that a governor, deputy governor and ſixteen committees of the ſaid company, ſhall be elected and choſen in manner as hereafter is appointed, who ſhall have the management and direction of the ſaid trade, and of the voyages and affairs of the ſaid company.

A book of ſubſcriptions and each ſubſcriber muſt ſubſcribe 500l.

X. And be it further enacted by the authority aforeſaid, That a book for ſubſcriptions ſhall be provided within ten days after the paſſing of this act, by the firſt five of the aforenamed perſons, or any three of them: in which ſaid book ſhall be ſubſcribed on or before the ſaid firſt day of *May* now next coming, by all the perſons in this act before named, or the ſurvivors of them, the ſaid joint ſtock, which ſhall not be leſs than forty thouſand pounds; and that each of the ſaid ſubſcribers ſhall not ſubſcribe leſs than five hundred pounds, nor more than two thouſand pounds.

Money ſubſcribed how and when to be paid.

XI. And be it further enacted by the authority aforeſaid, That all and every the ſaid perſons ſo as aforeſaid ſubſcribing, ſhall on or before the ſaid firſt day of *May* now next coming, actually and *bona fide* pay down unto ſuch perſon or perſons as the ſaid perſons herein before named, or the major part of them ſhall nominate and appoint, one full and entire fourth part of the ſeveral ſums of money by each of them reſpectively ſubſcribed to the ſaid joint ſtock, and ſhall alſo pay the remainder thereof at ſuch times, and in ſuch manner as ſhall be directed

and

and appointed from time to time by the governor or deputy governor and court of committees of the ſaid company for the time being, ſo as the whole ſum to be ſubſcribed, be paid within four years next after the ſaid firſt day of *May*.

Defaulters to loſe the ſubſcriptions of above what is actually paid.

XII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, making default in any of the ſaid payments, ſhall immediately from and after ſuch default, have or enjoy no further or other benefit or advantage by ſuch ſubſcription, than according and in proportion to ſuch ſum or ſums of money only, which ſuch perſon or perſons ſhall have actually and really paid into the ſaid joint ſtock as aforeſaid.

Defaulters to forfeit 10l. per cent. of what they have paid.

XIII. And be it further enacted by the authority aforeſaid, That every perſon or perſons who ſhall make default in paying any part or proportion of ſuch his ſubſcription, in ſuch manner as by this act is appointed, ſhall forfeit and loſe to the uſe and benefit of the adventurers in the ſaid joint ſtock, after the rate of ten pounds for every one hundred pounds of ſuch ſum or ſums which he or they ſhall ſo neglect or omit to pay in as aforeſaid, to be deducted out of the money paid in by ſuch perſon making default as aforeſaid.

Choice of governor and deputy governor and ſixteen committees.

XIV. And be it further enacted by the authority aforeſaid, That before the five and twentieth day of *May* now next coming, any thirteen of them the ſaid perſons, herein before named, ſhall ſummon and call together a general court of all the ſaid ſubſcribers, and of all and every other perſon and perſons who ſhall then have any ſhare or intereſt in the ſaid joint ſtock, who ſhall and may quietly and freely aſſemble themſelves, and meet together at the time and place ſo appointed, and then and there at their will and pleaſure, name, chooſe and elect one fit perſon who ſhall have ſubſcribed one thouſand pounds or upwards to the ſaid joint ſtock, and actually paid in one fourth part thereof as aforeſaid, to be governor of the ſaid company: and one other fit perſon in like manner, who ſhall have ſubſcribed the ſum of one thouſand pounds to the ſaid joint ſtock, and actually paid in one fourth part thereof as aforeſaid, to the deputy governor of the ſaid company: and alſo ſixteen other fit perſons in like manner, each of them having ſeverally ſubſcribed the ſum of five hundred pounds or upwards to the ſaid joint ſtock, and ſeverally paid in one fourth part thereof as aforeſaid, to be committees of the ſaid company. The ſaid governor, deputy governor and committees, to continue in their reſpective offices and places, until the twentieth day of *October*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety and four.

Oath to be taken by the governor and deputy governor.

XV. And be it further enacted by the authority aforeſaid, That every governor and deputy governor of the ſaid company for the time being, before they be admitted to the execution of their reſpective offices or places of governor and deputy governor, ſhall take the following oath, *viz.*

YOU *ſwear, That you ſhall aſſiſt, and with all your power ſupport and maintain the company of merchants of* London *trading to* Greenland, *and the privileges of the ſame, having no reſpect to yourſelf, in derogation, hindrance or prejudice of the good government, order, and common weal thereof. The bye laws and ordinances which ſhall be made by authority of this company, and which are not repugnant to the laws of this kingdom, you ſhall uprightly and duly execute according to your knowledge thereof. And to every perſon you ſhall miniſter upright juſtice. And you ſhall not engage or oblige the ſaid company in any wiſe, as governor or deputy governor of the ſaid company, without agreement and conſent of the court of committees of the ſaid company,*

So help you Almighty God.

Oath of committees.

XVI. And be it further enacted by the authority aforeſaid, That every one of the ſaid ſixteen committees of the ſaid company for the time being, before they be admitted to the execution of their ſaid reſpective offices or places of committees, ſhall take the following oath, *viz.*

YOU *ſwear to be faithful and true, during the time of your place of truſt, as one of the committees to the company of merchants of* London *trading to* Greenland, *and their ſucceſſors. The good eſtate of the adventurers in this preſent joint ſtock you ſhall favour and affect; and the privileges granted unto them (to your power) endeavour to maintain and preſerve. You ſhall be careful to ſee and provide that an equal and indifferent hand be carried in the government of the company, and in the affairs thereof, to all the adventurers that ſhall adventure or put in ſtock: and that an equal diviſion from time to time be made to all the adventurers, according to the proportion of their ſeveral ſtocks duly paid in,*

So help you God.

Subſcriber of leſs than 500l. no vote, of 500l. one vote, of 1000l. two votes.

XVII. And be it further enacted by the authority aforeſaid, That no perſon or perſons who ſhall ſubſcribe leſs, or ſhall have leſs than five hundred pounds in the ſaid joint ſtock, ſhall have any vote or voice at any general court of the ſaid company: And that every perſon or perſons who ſhall ſubſcribe to, or ſhall have in the ſaid joint ſtock the ſum of five hundred pounds, ſhall have one vote or voice, and no more at any general court of the ſaid company; and that every perſon or perſons, who ſhall ſubſcribe to, or ſhall have in the ſaid joint ſtock of the ſaid company, the ſum of one thouſand pounds, ſhall have two votes or voices at any general court of the ſaid company and no more, although he or they ſhall have ſubſcribed more to, or ſhall have in the ſaid ſtock more than one thouſand pounds.

Subſcribers oaths.

XVIII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons who ſhall ſubſcribe and pay in any ſum of money into the ſaid joint ſtock, or ſhall have any ſhare or intereſt in the ſaid joint ſtock, ſhall be admitted *gratis*

gratis into the freedom of the ſaid company, and ſhall take the oath of admiſſion into the ſame before the governor or deputy governor, or any five of the committees for the time being, who are hereby impowered to adminiſter the ſame in words following, *viz.*

YOU *ſwear that you will aſſiſt, and with all your power ſupport and maintain the company of merchants of* London *trading to* Greenland; *the bye laws and ordinances which ſhall be made by authority of this company which are not repugnant to the laws of this kingdom, you ſhall, according to your knowledge thereof, uprightly and duly keep and obey,*

So help you God.

Governors, &c. to be choſen annually.

XIX. And be it further enacted by the authority aforeſaid, That the ſaid governor or deputy governor, or any five of the committees then in being, ſhall, before the ſaid twentieth day of *October*, in the year of our Lord, one thouſand ſix hundred ninety and four, at any time between the firſt day and the twentieth day of *October* then next following, and ſo annually for every year afterwards, between the days laſt mentioned (timely notice thereof being firſt given) call a general court of all the members of the ſaid company, who ſhall have ſubſcribed to the ſaid joint ſtock, the ſum of five hundred pounds or more, and paid in one fourth part of their ſeveral ſubſcriptions as aforeſaid, and ſuch other proportions of the ſame, as ſhall be directed and appointed as aforeſaid, and ſhall have ſeverally taken the ſaid oath of admiſſion, then and there to elect and chooſe out of the members of the ſaid company ſo qualified as aforeſaid, one governor, one deputy governor, and ſixteen committees of the ſaid company to ſerve for one whole year next enſuing his and their reſpective elections; and if the ſaid governor or deputy, or any of the committees for the time being, ſhall happen to die before the expiration of the ſaid year for which he or they ſhall be ſo elected, that then, and from thenceforth it ſhall and may be lawful to, and for the ſaid governor or deputy governor, or five of the committees to ſummon and call together a general court of the adventurers aforeſaid, and then and there to chooſe into the place or places of him or them ſo dying, other fit perſon or perſons qualified as aforeſaid, to continue in their reſpective offices or places during the remainder of ſuch year.

What other oaths the governor, deputy governor and 16 committees ſhall take. 1 W. & M. Seſſ. 1. cap. 8.

XX. And be it further enacted by the authority aforeſaid, That every governor, deputy governor and committees of the ſaid company, beſides the ſaid oaths already appointed to be taken by them reſpectively, ſhall alſo take the oath appointed to be taken inſtead of the oaths of ſupremacy and allegiance, by a late act of parliament made in the firſt year of their Majeſties reign, entituled, *An act for abrogating the oaths of ſupremacy and allegiance, and appointing other oaths*; and that the ſaid firſt governor to be elected, ſhall take the ſaid oaths hereby appointed

pointed to be taken by the governor of the ſaid company for the time being, before the ſaid perſons herein before named, or any nine of them, who are hereby impowered to adminiſter the ſame; and the firſt deputy governor ſhall take the ſaid oaths hereby appointed to be taken by the deputy governor of the ſaid company for the time being, before the ſaid firſt governor, who is hereby impowered to adminiſter the ſame; and the ſaid firſt ſixteen committees ſhall each of them ſeverally take the ſaid oaths appointed to be taken by the ſaid ſixteen committees for the time being, before the ſaid firſt governor or the ſaid firſt deputy governor, who are hereby impowered to adminiſter the ſame; and that every ſucceeding governor ſhall take the oaths appointed to be taken by the ſaid governor of the company for the time being, before the laſt preceding governor, or any five or more of the laſt preceding committees, who are hereby impowered to adminiſter the ſame; and every ſucceeding deputy governor ſhall take the oaths appointed to be taken by the deputy governor of the ſaid company for the time being, before the governor, or in caſe of his death or abſence, before any five of the laſt preceding committees, who are hereby impowered to adminiſter the ſame; and every member of the ſucceeding committees for the time being, ſhall take the ſaid oaths appointed to be reſpectively taken by the ſixteen committees of the ſaid company for the time being, before the governor or deputy governor for the time being, or any five or more of the preceding committees, who are hereby impowered to adminiſter the ſame.

The courts how to be called.

XXI. And be it further enacted by the authority aforeſaid, That from and after the ſaid twentieth day of *May* next enſuing, all and every the general courts and committees of the ſaid company hereby eſtabliſhed, ſhall be from time to time called and ſummoned by order of the ſaid governor, or deputy governor, or any five or more of the ſaid committees for the time being; at all which general courts, and courts of committees before mentioned, the governor for the time being ſhall be preſent, or in his abſence, the deputy governor for the time being, and in caſe of equality of votes or voices, ſhall have a caſting voice.

The ſubſcribers at a court may make bye-laws.

XXII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for all the members of the ſaid company, who ſhall have ſubſcribed five hundred pounds or more to the ſaid joint ſtock, and ſhall have paid in one fourth part of their reſpective ſubſcriptions, and ſuch other proportions of the ſame, as ſhall be directed or appointed as aforeſaid, and all and every other perſon and perſons, who ſhall have the ſum of five hundred pounds in the ſaid joint ſtock, and ſhall have taken the ſaid oath of admiſſion, from time to time, and at all times, during the continuance of the ſaid joint ſtock, to aſſemble themſelves at a general court (timely notice thereof being firſt given as aforeſaid, by the governor or deputy governor, or any five of the ſaid committees for the time being) and that they, or the major part of them, being ſo aſſembled, whereof

whereof the governor or the deputy governor for the time being to be one, ſhall and may make, ordain and conſtitute ſuch, and ſo many reaſonable bye-laws, conſtitutions and ordinances, as to them, or the greater part of them then and there preſent, ſhall ſeem neceſſary and convenient for the good government of the ſaid company, and of all commanders, mariners, and all other officers, ſervants, and perſons by them employed in any of their ſhips and voyages, and for the better preſervation and improvement of the ſaid trade or traffick, and the ſame bye-laws, conſtitutions, orders and ordinances ſo made, to put in uſe accordingly, and at their will and pleaſure from time to time to change, revoke and alter the ſame, as occaſion ſhall be or require. Which ſaid bye-laws, conſtitutions, orders and ordinances ſo as aforeſaid to be made, ſhall be duly kept and obſerved, under the pains and penalties, therein limited: ſo always as the ſaid bye-laws, conſtitutions, orders and ordinances be reaſonable, and not contrary or repugnant to the ſtatutes or cuſtoms of this kingdom, or to any of the regulations contained in this act.

The ſales of goods to be publick.

XXIII. And be it further enacted by the authority aforeſaid, That during the continuance of the ſaid joint ſtock, no private contract for the ſale of any goods or merchandizes, ſhall be made by the ſaid company to any member or members of the ſaid company, or any other perſon or perſons whatſoever: but that all goods and merchandizes belonging to the ſaid company ſhall be ſold openly and publickly by inch of candle at their publick ſales, which ſhall be once in every year at the leaſt; of which ſales publick notice ſhall be given upon the royal exchange in *London*, at leaſt three weeks before; and that no lot of any goods or merchandizes belonging to the ſaid company, ſhall be put up or expoſed to ſale, the value of which ſhall exceed three hundred pounds in the allotment thereof; and that all monies ariſing by the ſale of any goods or merchandizes of the ſaid company, ſhall be faithfully and *bona fide* accompted for and applied to the publick and common benefit and advantage of the general joint ſtock of the ſaid company, and of all and every the perſons therein intereſted, rateably and according to every perſon's proportion and ſhare thereof, and not to the private advantage of any particular perſon or perſons whatſoever.

No lot leſs than 300l.

The money for goods ſold ſhall be faithfully applied.

Dividends to be in money.

XXIV. And be it further enacted by the authority aforeſaid, That all dividends hereafter to be made of the profits ariſing by the ſaid trade, ſhall be made in money, and not otherwiſe. And be it further enacted, That it ſhall and may be lawful to, and for all and every perſon and perſons, who ſhall have any ſhare or intereſt in the ſaid joint ſtock, to ſell, aſſign and tranſfer ſuch his or their ſhare or intereſt, or any part thereof, by and in the books of the ſaid company, to be for that purpoſe provided, to any perſon or perſons, being natural born ſubjects of this realm, or perſons naturalized or endenizend; and that all and every ſuch ſale and aſſignment, when ſo as aforeſaid, made and entered, and not otherwiſe, ſhall be good

Shares may be aſſigned by entry in a book kept for that purpoſe or deviſe.

and effectual in the law, againſt all and every ſuch perſon and perſons, his and their executors and adminiſtrators, who ſhall ſo as aforeſaid, aſſign and transfer any ſuch ſhare and intereſt in the ſaid joint ſtock; and that the ſaid book or books, for the aſſigning and transferring the ſaid joint ſtock, ſhall lie open from time to time for the view of all perſons concerned; and all alienations, transfers or aſſignments made after any other manner, ſhall be void; excepting for ſuch ſtock only which ſhall happen to be deviſed to any perſon by will, or ſhall come to him by being executor or adminiſtrator to any perſon deceaſed.

No perſon may ſell a greater ſhare than he really hath.

XXV. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon or perſons at any time, to agree for, contract, bargain, or ſell any, or other or greater ſum, ſhare, intereſt or part of the ſaid joint ſtock, than ſuch ſum, ſhare, intereſt or part only as ſuch perſon or perſons ſhall actually and *bona fide* be poſſeſſed of, and have ſtanding in his or their own name in the ſaid companies books at the time of ſuch agreement, contract, bargain or ſale made.

All ſales not perfected within ten days void.

XXVI. And be it further enacted by the authority aforeſaid, That all agreements, contracts, bargains or ſales, for any ſhare, intereſt or part of the ſaid joint ſtock, which ſhall not be performed, compleated and executed, and transferred within ten days next after the making of ſuch agreement, contract, bargain or ſale; are and ſhall be null and void to all intents and purpoſes whatſoever, as if the ſame had never been made.

Ships to Greenland may be navigated with one third Engliſh. *Enlarged by 1 Annæ, ſtat. 1. c. 16.*

XXVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid company hereby eſtabliſhed, and for all and every the ſhips and veſſels, belonging to or employed by the ſaid company, and truly belonging to *England*, *Wales*, or the town of *Berwick* upon *Tweed*, and whereof the maſters ſhall be *Engliſhmen*, and inhabiting within the places aforeſaid, and for no other ſhip or veſſel whatſoever, from and after the firſt day of *May*, in the year of our Lord one thouſand ſix hundred and ninety three, and until the firſt day of *October*, which ſhall be in the year of our Lord, one thouſand ſeven hundred and ſeven, employed for the catching of whales in the *Greenland* ſeas, and other the ſeas and places aforeſaid, during ſuch their voyages, to be navigated with one third of the mariners *Engliſh* at the leaſt, and yet to pay no further or other cuſtom for the oil, blubber, or fins, caught and imported in ſuch ſhips or veſſels, than if ſuch ſhips or veſſels had been navigated with three fourths of the mariners *Engliſh*; any law, ſtatute, or uſage to the contrary in any wiſe notwithſtanding.

Oil and blubber, &c. may be imported duty free by 7 & 8 W. 3. c. 33.

XXVIII. Provided always, and it is hereby further enacted by the authority aforeſaid, That no *Engliſh* ſhip or other veſſel belonging to *England*, *Wales*, or the town of *Berwick* upon *Tweed*, and which ſhall belong to and be employed by the ſaid company, in the catching of whales in the *Greenland* ſeas, and other the ſeas and places aforeſaid, and importing whale oil, or blubber,

blubber, or other fiſh oil, or whale fins of *Greenland*, or thoſe ſeas, or other the ſeas and places aforeſaid, ſhall enjoy any benefit or privilege by this act, unleſs ſuch ſhip or veſſel did proceed on her voyage for *Greenland* and thoſe ſeas, or for other the ſeas or places aforeſaid, from *England* or *Wales*, or the town of *Berwick* upon *Tweed*, and was victualled for the ſaid voyage in ſome of thoſe places, to be atteſted by the collector of the port where the ſame ſhip or veſſel was victualled. *Continued by* 1 *Ann. ſt.* 1. c. 16.

Corporation to continue for 14 years.

XXIX. Provided always, That this act and the ſaid joint ſtock ſhall continue, and the ſaid company ſhall have and enjoy the ſaid traffick and trade to and from *Greenland* and the *Greenland* ſeas, and other the ſeas and places aforeſaid, for the term of fourteen years, to be accounted from the firſt day of *October*, in the year of our Lord one thouſand ſix hundred ninety and three, and no longer. EXP.

Publick act

XXX. Provided alſo, and be it further enacted, That this act ſhall be and is hereby declared to be a publick act of parliament, and ſhall be ſo taken and acknowledged by all and every their Majeſties judges in all and every their Majeſties courts at *Weſtminſter*, and by all and every other their Majeſties ſubjects whatſoever.

CAP. XVIII.

An act to prevent malicious informations in the court of King's Bench, *and for the more eaſy reverſal of outlawries in the ſame court.*

WHEREAS *divers malicious and contentious perſons have more of late than in times paſt, procured to be exhibited and proſecuted, informations in their Majeſties court of* King's Bench *at* Weſtminſter, *againſt perſons in all the counties of* England, *for treſpaſſes, batteries, and other miſdemeanors, and after the parties ſo informed againſt have appeared to ſuch informations, and pleaded to iſſue, the informers do very ſeldom proceed any further, whereby the perſons ſo informed againſt are put to great charges in their defence; and although at the trials of ſuch informations verdicts are given for them, or a* noli proſequi *be entered againſt them, they have no remedy for obtaining coſts againſt ſuch informers: and whereas divers perſons are proſecuted in the ſaid court of* King's Bench *to outlawries for debts, treſpaſſes, and other miſdemeanors, and there is no reverſing ſuch outlawries but by the perſonal appearance of the perſons outlawed, ſo that the perſons arreſted upon ſuch outlawries (if poor) lie in priſon till their deaths, but if able, it coſts them very dear to reverſe the ſame outlawries*: for remedy whereof,

Clerk of the crown to exhibit no information for crimes above mentioned, except by order of court,

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *Eaſter* term, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and three, the

nor iſſue proceſs, till proſecutor has given 20l. recognizance to proſecute.

the clerk of the crown in the ſaid court of *King's Bench* for the time being ſhall not, without expreſs order to be given by the ſaid court in open court, exhibit, receive, or file any information for any of the cauſes aforeſaid, or iſſue out any proceſs thereupon, before he ſhall have taken or ſhall have delivered to him a recognizance from the perſon or perſons procuring ſuch information to be exhibited, with the place of his, her, or their abode, title, or profeſſion, to be entered, to the perſon or perſons againſt whom ſuch information or informations is or are to be exhibited, in the penalty of twenty pounds, that he, ſhe, or they, will effectually proſecute ſuch informations or information, and abide by and obſerve ſuch orders as the ſaid court ſhall direct, which recognizance the ſaid clerk of the crown, and alſo every juſtice of the peace of any county, city, franchiſe, or town corporate (where the cauſe of any ſuch information ſhall ariſe) are hereby impowered to take; after the taking whereof by the ſaid clerk of the crown, or the receipt thereof from any juſtice of the peace, the ſaid clerk of the crown ſhall make an entry thereof upon record, and ſhall file a memorandum thereof in ſome publick place in his office, that all perſons may reſort thereunto without fee; and in caſe any perſon or perſons againſt whom any information or informations for the cauſes aforeſaid, or any of them, ſhall be exhibited, ſhall appear thereunto, and plead to iſſue, and that the proſecutor or proſecutors of ſuch information or informations ſhall not, at his and their own proper coſts and charges, within one whole year next after iſſue joined therein, procure the ſame to be tried; or if upon ſuch trial a verdict paſs for the defendant or defendants, or in caſe the ſaid informer or informers procure a *noli proſequi* to be entred; then in any of the ſaid caſes the ſaid court of *King's Bench* is hereby authorized to award to the ſaid defendant and defendants, his, her or their coſts, unleſs the judge, before whom ſuch information ſhall be tried, ſhall at the trial of ſuch information, in open court certify upon record, that there was a reaſonable cauſe for exhibiting ſuch information; and in caſe the ſaid informer or informers ſhall not within three months next after the ſaid coſts taxed, and demand made thereof, pay to the ſaid defendant or defendants the ſaid coſts, then the ſaid defendant and defendants ſhall have the benefit of the ſaid recognizance, to compel them thereunto.

Memorandum to be filed. Defendant ſhall have coſts, if cauſe not tried within one year after iſſue joined, &c.

Defendants, remedy for coſts. 1 Salk. 194.

Outlawry may be reverſed by attorney, except in treaſon and felony. 3 Salk. 496.

III. And for the more eaſy and ſpeedy reverſing of outlawries in the ſaid court, be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Eaſter* term, no perſon or perſons whatſoever, who are or ſhall be outlawed in the ſaid court for any cauſe, matter, or thing whatſoever (treaſon and felony only excepted) ſhall be compelled to come in perſon into, or appear in perſon in the ſaid court to reverſe ſuch outlawry, but ſhall or may appear by attorney, and reverſe the ſame without bail; in all caſes, except where ſpecial bail ſhall be ordered by the ſaid court.

IV. And

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons outlawed, or hereafter to be outlawed, in the ſaid court (other than for treaſon and felony) ſhall from and after the ſaid firſt day of *Eaſter* term be taken and arreſted upon any *capias utlagatum* out of the ſaid court, it ſhall and may be lawful to and for the ſheriff or ſheriffs who hath or ſhall have taken and arreſted ſuch perſon and perſons (in all caſes where ſpecial bail is not required by the ſaid court) to take an attorney's engagement under his hand to appear for the ſaid defendant or defendants, and to reverſe the ſaid outlawries, and thereupon to diſcharge the ſaid defendant and defendants from ſuch arreſts: and in thoſe caſes where ſpecial bail is required by the ſaid court, the ſaid ſheriff or ſheriffs ſhall and may take ſecurity of the ſaid defendant or defendants by bond, with one or more ſufficient ſurety or ſureties, in the penalty of double the ſum for which ſpecial bail is required, and no more, for his, her, or their appearance by attorney in the ſaid court at the return of the ſaid writ, and to do and perform ſuch things as ſhall be required by the ſaid court, and after ſuch bond taken, to diſcharge the ſaid defendant and defendants from the ſaid arreſts.

Perſons taken upon *capias utlagatum* in common bail caſes, diſcharged by an attorney's engagement to appear; in ſpecial bail caſes, giving bond with ſureties to appear.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, outlawed as aforeſaid, and taken and arreſted upon a *capias utlagatum*, ſhall not be able within the return of the ſaid writ to give ſecurity as aforeſaid, in caſes where ſpecial bail is required, ſo as he or they are committed to gaol for default thereof, that whenſoever the ſaid priſoner or priſoners ſhall find ſufficient ſecurity to the ſheriff or ſheriffs, in whoſe cuſtody he or they ſhall be, for his or their appearance by attorney in the ſaid court, at ſome return in the term then next following, to reverſe the ſaid outlawry or outlawries, and to do and perform ſuch other thing and things as ſhall be required by the ſaid court, it ſhall and may be lawful to and for the ſaid ſheriff and ſheriffs, after ſuch ſecurity taken, to diſcharge and ſet at liberty the ſaid priſoner and priſoners for the ſame; any law or uſage to the contrary notwithſtanding.

Perſon taken not before ſhall be diſcharged, giving ſecurity after return of the writ.

VI. Provided, That nothing in this act relating to informations ſhall extend or be conſtrued to extend to any other informations, than ſuch as are or ſhall be exhibited in the name of their Majeſties coroner or attorney in the court of *King's Bench* for the time being (commonly called the *maſter of the crown office*) any thing in the ſaid act contained to the contrary notwithſtanding.

This act only extends to informations by maſter of crown office.

VII. And be it further enacted by the authority aforeſaid, That upon the demiſe of any King or Queen of this realm, all pleas to informations in the ſaid court ſhall ſtand and be good in law, without calling defendants to plead again to the ſame, unleſs the defendants deſire ſo to do, and make requeſt to the ſaid court for that purpoſe within five months next after ſuch demiſe; any law or uſage to the contrary notwithſtanding.

Defendants (except deſiring) not to plead again upon the King's demiſe.

CAP.

CAP. XIX.

EXP. *An act for preventing ſuits againſt ſuch as acted for their Majeſties ſervice in defence of the kingdom.*

To indemnify lords of the council, &c. acting beyond their power in defence of the kingdom.

WHEREAS *in this preſent year of our Lord, one thouſand ſix hundred ninety and two, it was notoriouſly known that there were great preparations for an invaſion intended from* France, *the lords of the council, and thoſe that have acted by their authority, having apprehended and impriſoned ſeveral ſuſpected perſons, and ſeized and uſed horſes and arms, and cauſed ſome part of the militia of this kingdom to be raiſed, continued, and maintained, otherwiſe than is authorized by the acts made in the reign of King* Charles *the Second in that behalf, and to march and be quartered in divers places upon that occaſion: that thoſe proceedings in that extraordinary juncture, and the parties concerned therein, may be indemnified; therefore, and for the preventing the trouble and charges which the ſaid good ſubjects might be put to by the proſecution of their Majeſties, their heirs and ſucceſſors, or by the means of ſuits of any perſon whatſoever, for and by reaſon of their actings and doings aforeſaid,*

All actions againſt them for acting void.

II. Be it enacted by the King and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in parliament aſſembled, and by the authority of the ſame, That all perſonal actions, ſuits, indictments, informations, and other proſecutions whatſoever, for or by reaſon of the premiſſes, be, and are hereby diſcharged and made void. And if any action or ſuit hereby declared to be diſcharged, hath been or ſhall be commenced or proſecuted, every perſon ſo ſued may plead the general iſſue, and give this act and the ſpecial matter in evidence: and if the plaintiff become nonſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him, the ſaid defendant ſhall recover his double coſts, for which he ſhall have the like remedy, as in caſe where coſts by law are given to defendants.

Defendant may plead general iſſue and have double coſts.

CAP. XX.

An act for the better diſcovery of judgments in the courts of King's Bench, Common Pleas, *and* Exchequer *at* Weſtminſter.

WHEREAS *great miſchiefs and damages happen and come, as well to perſons in their life-times, but more often to their heirs, executors, and adminiſtrators, and alſo to purchaſers and mortgagees, by judgments entred upon record in their Majeſties courts at* Weſtminſter, *againſt the perſons defendants, by reaſon of the difficulty there is in finding out ſuch judgments:* for remedy whereof,

Judgments to be doggetted.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the clerk of the eſſoins of the court of *Common-Pleas*, every clerk of the doggets of the court of *King's Bench*, and the maſter of the office of

pleas

pleas in the court of *Exchequer* for the time being, ſhall, before the laſt day of *Eaſter* term next coming, and ſo in every *Eaſter* term after, make or cauſe to be made and put into an alphabetical dogget by the defendants names, a particular of all judgments for debt by confeſſion, *non ſum informatus*, or *nihil dicit*, entred in the ſaid reſpective courts, of the term of Saint *Hilary* preceding, which ſhall contain the name and names of the plaintiff and plaintiffs, the name and names of the defendant and defendants, his, her, or their place or places of abode, and title, trade, or profeſſion (if any ſuch be in the record of the ſaid judgment) and the debt, damages, and coſts recovered thereby; and in what county, city, or town the reſpective actions were laid, and the number roll of the entry thereof; and alſo that every clerk of the judgments, and every other clerk of the ſaid court of *Common Pleas* and *King's Bench* reſpectively ſhall, within ten days before the time aforeſaid, bring to the reſpective clerks of the doggets of the ſaid reſpective courts, notes in writing of all the judgments by them and every of them reſpectively entred, of the ſaid term of Saint *Hilary*, upon verdicts, writs of inquiry, demurrer, and every other judgment for debt or damages, in all things as aforeſaid; and alſo that the clerk of the judgments, and every other clerk of the ſaid court of *Exchequer*, ſhall, within the times aforeſaid, bring to the ſaid maſter of the ſaid office of pleas, the like note in writing of all the like judgments by him or them reſpectively entred of the ſaid term, in all things as aforeſaid; to the end the ſame may be, (by the clerk of the eſſoins of the ſaid court of *Common Pleas*, the clerk of the doggets of the ſaid court of *King's Bench*, and maſter of the office of pleas) reſpectively entred in the reſpective doggets beforementioned, in manner and form aforeſaid; and alſo that the reſpective officers and clerks of the ſaid reſpective courts ſhall likewiſe, before the laſt day of the term of Saint *Michael* alſo next coming, and in every *Michaelmas* term after, make, or cauſe to be made, as aforeſaid, the like dogget, containing all ſuch judgments in the ſaid reſpective courts, of the reſpective terms of *Eaſter* and *Trinity* then laſt paſt, and the names of the plaintiffs and defendants, titles and additions, debt and damages, in all things as aforeſaid; and alſo that the ſaid reſpective officers and clerks of the ſaid reſpective courts ſhall likewiſe, before the laſt day of the term of Saint *Hilary*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and three, and ſo in every *Hilary* term after, make, or cauſe to be made, the like dogget, containing all ſuch judgments in the ſaid reſpective courts, of the term of Saint *Michael* then laſt paſt, with the names of the plaintiffs and defendants, titles and additions, debts and damages, in all things as aforeſaid; and that the ſaid reſpective doggets ſhall be fairly put into and kept in books in parchment in the reſpective offices of the reſpective officers before named, to be ſearched and viewed by all perſons at all reaſonable times, paying to the reſpective officers, in whoſe keeping the ſaid books reſpectively ſhall be, for every term's

ſearch

ſearch for judgments againſt any one perſon, four pence, and
Fee for ſearch. no more, upon pain that every clerk of eſſoins of the court of *Common Pleas*, clerk of the doggets of the *King's Bench*, and maſter of the office of pleas in the court of *Exchequer*, clerks of the judgments, and every clerk before mentioned reſpectively, ſhall, for every term, in which he ſhall omit or neglect to do his duty
Penalty. in the premiſſes, forfeit the ſum of one hundred pounds; the one moiety to the party or parties aggrieved, and the other moiety to him or them who ſhall ſue for the ſame in any of their Majeſties courts of record at *Weſtminſter*, wherein no privilege, or eſſoin, or protection of law, ſhall be admitted, nor any more than one imparlance.

Judgments not doggetted ſhall not affect purchaſers, &c. III. And be it further enacted by the authority aforeſaid, That no judgment, not doggetted and entred in the books as aforeſaid, ſhall affect any lands or tenements as to purchaſers or mortgagees, or have any preference againſt heirs, executors, or adminiſtrators, in their adminiſtration of their anceſtors, teſtators, or inteſtates eſtates.

Fee to the clerk of the judgments. IV. *And whereas the clerks of the judgments of the ſaid reſpective courts are to be at great charge and trouble in the execution of this act*; for recompence whereof be it enacted by the authority aforeſaid, That hereafter there ſhall be paid by the plaintiff or plaintiffs in every of the ſaid judgments upon verdicts, writs of enquiry, demurrer, and every other judgment by them reſpectively to be entred, over and above the fees now due for the ſame, the ſum of four pence, and no more.

Act to continue one year. V. Provided always, and be it enacted by the authority aforeſaid, That this act ſhall continue and be in force for one year, from the five and twentieth day of *March*, one thouſand ſix hundred ninety and three, and from thence to the end of the next ſeſſion of parliament, and no longer. *Continued a year longer by* 6 & 7 *W.* 3. *cap.* 14. *and made perpetual by* 7 & 8 *W.* 3. *cap.* 36. *ſect.* 3.

CAP. XXI.

An act for delivering declarations to priſoners.

WHEREAS *by the courſe of practice in the reſpective courts of record at* Weſtminſter, *after the plaintiff or plaintiffs, in any writ iſſued out of any of the ſaid courts, have been at great charge to arreſt the defendant or defendants upon ſuch writ, and the defendant or defendants, for want of ſufficient bail, are often committed to gaol, and unleſs the plaintiff or plaintiffs ſhall, before the end of two terms next after ſuch arreſt, cauſe ſuch defendant or defendants, by writ of* habeas corpus, *to be removed, to be charged in the ſaid reſpective courts with declarations of the cauſe of ſuch action or actions, ſuch priſoner or priſoners are upon a common bail or appearance by attorney diſcharged from their impriſonment, to the great prejudice of the plaintiffs*; for remedy whereof:

Priſoner in cuſtody how charged. II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled,

aſſembled, and by the authority of the ſame, That if now, or at any time after the five and twentieth day of *March*, one thouſand ſix hundred ninety and three, any defendant or defendants be taken or charged in cuſtody at the ſuit of any perſon or perſons, upon any writ or writs out of any of the ſaid courts at *Weſtminſter*, and impriſoned or detained in priſon for want of ſureties for their appearance to the ſame, the plaintiff or plaintiffs, in ſuch writ or writs, ſhall and may, by virtue of this act, before the end of the next term after ſuch writ or proceſs ſhall be returnable, declare againſt ſuch priſoner or priſoners in the reſpective court or courts out of which the writ or writs ſhall iſſue, whereupon the ſaid priſoner or priſoners ſhall be taken and impriſoned or charged in cuſtody, and ſhall or may cauſe a true copy thereof to be delivered to ſuch priſoner or priſoners, or to the gaoler or keeper of the priſon, or gaoler in whoſe cuſtody ſuch priſoner ſhall be or remain: to which declaration or declarations the ſaid priſoner or priſoners ſhall appear and plead; and if ſuch priſoner or priſoners ſhall not appear and plead to the ſame, the plaintiff or plaintiffs in ſuch caſes ſhall have judgment in ſuch manner as if the priſoner or priſoners had appeared in the ſaid reſpective courts, and refuſed to anſwer or plead to ſuch declaration. 1 Salk. 98.

III. And be it further enacted by the authority aforeſaid, That in all declarations againſt any priſoner or priſoners detained in priſon by virtue of any writ or proceſs iſſued or to be iſſued out of the court of *King's Bench*, it ſhall be alledged, in cuſtody of what ſheriff, bailiff, or ſteward of any franchiſe, or other perſon having the return and execution of writs, ſuch priſoner or priſoners ſhall be at the time of ſuch declaration by virtue of the proceſs of the ſaid court at the ſuit of the plaintiffs: which allegation ſhall be as good and effectual to all intents and purpoſes, as if ſuch priſoner or priſoners were in the cuſtody of the marſhal of the *Marſhalſea* of our ſovereign lord and lady, the King and Queen. In the King's Bench declaration muſt be in cuſtodia of ſuch a ſheriff, &c. Carthew, 469.

CAP. XXII.

An act for regulating proceedings in the crown office in the court of King's Bench *at* Weſtminſter.

FOR rectifying the proceedings in the crown office in their Majeſties court of *King's Bench*, and for the greater eaſe of all their Majeſties ſubjects who ſhall hereafter be proſecuted in the ſame; be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That no corporation, lord or lords of manors, or other perſon or perſons, having grants by charter, or other good conveyances, who have inrolled, and had the ſame allowed, in and by the ſaid court, ſhall hereafter be compelled to plead the ſame, to any inquiſition returned by any coroner; any cuſtom or uſage to the contrary notwithſtanding: and if there be any corporations, lord or lords Perſons having grants by charters and inrolled, not bound to plead them to an inquiſition. So much of grants of felons, &c. as

may expreſs the grant, to be only entred.

lords of manors, or other perſon or perſons, who now have, or hereafter ſhall have ſuch charters or grants from the crown, for felons goods, deodands, and other forfeitures, ſuch corporations, lords of manors, and other perſons, ſhall not be compelled to inroll their whole charters and grants, but bring in the ſame to the clerk of the crown of the ſaid court, he ſhall inroll and enter upon record ſo much thereof, as may expreſs and ſet forth the grants of ſuch felons goods, deodands, and forfeitures, and no more; for doing whereof he ſhall have and receive twenty ſhillings for his fee and entry thereof, and no more; and from and after ſuch inrollment, no corporation, lord of manor, or other perſon or perſons, grantees of ſuch goods or forfeitures, ſhall be compelled to plead the ſame in the ſaid court, to any inquiſition thereafter filed therein, touching any goods found thereby; any uſage to the contrary notwithſtanding.

Fee 20 s. After ſuch entry, grantee diſcharged from pleading the ſame to inquiſition.

Penalty upon clerk of the crown iſſuing proceſs after ſuch entry.

II. And be it further enacted by the authority aforeſaid, That if any clerk of the crown of the ſaid court ſhall hereafter iſſue out any proceſs againſt any coporation, lord of manor, or other perſon or perſons grantees of ſuch felons goods, deodands, and other forfeitures, after inrollment or entry as aforeſaid, the ſaid clerk of the crown ſhall for every offence forfeit and pay to the corporation or party grieved thereby, the ſum of five pounds, to be recovered by bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, privilege, protection, or wager of law ſhall be admitted, nor any more than one imparlance.

Clerk of the crown not puniſhable for iſſuing proceſs againſt heirs, &c. till they have entred or pleaded their title.

III. *And whereas divers perſons having grants of felons goods and deodands, and inrolled and pleaded as aforeſaid, do many times aliene and convey their intereſts therein to other perſon or perſons, or by their laſt will do deviſe the ſame, or by their deaths ſuch eſtates do deſcend to their heirs, whereby the clerk of the crown of the ſaid court is rendred uncapable to diſcern where ſuch intereſt lies, until the perſon or perſons, to whom ſuch eſtates are conveyed, deviſed, or deſcended, ſhall come into the ſaid court, and make entry of ſuch their claim as aforeſaid*; be it therefore hereby further enacted by the authority aforeſaid, That the clerk of the crown of the ſaid court for the time being, nor any ſucceeding clerk there, ſhall incur any penalty mentioned in this act, for iſſuing proceſs againſt any perſon or perſons, who ſhall not, upon every purchaſe of the title of ſuch felons goods and deodands, inroll and plead the ſame purchaſe in the ſaid court; nor againſt any deviſee of the like eſtate, who ſhall not likewiſe inroll or plead ſuch deviſe; nor againſt any heir, who ſhall not in like manner inroll his or her right by deſcent to the ſame, and until after ſuch pleas have been allowed of, and approved by the ſaid court; nor where by any inqueſt of any coroner or coroners, the goods of any felon or felons, or deodands, ſhall be by ſuch inqueſt not found to be in the hands of ſuch purchaſer, deviſee, or heir, or their reſpective officer or officers in truſt for them reſpectively.

IV. *And whereas it is agreeable to juſtice, that proceedings to outlawries in criminal cauſes ſhould be as publick and notorious as in civil cauſes,*

cauſes, becauſe the conſequences to perſons outlawed in criminal cauſes are more fatal and dangerous to them and their poſterities, than in any other cauſes; be it further enacted by the authority aforeſaid, That upon the iſſuing of any exigent out of any of their Majeſties courts, againſt any perſon or perſons for any criminal matter, before judgment or conviction, there ſhall iſſue out a writ of proclamation bearing the ſame teſt and return, to the ſheriff or ſheriffs of the county, city, or town corporate, where the perſon or perſons in the record of the ſaid proceedings is or are mentioned to be or inhabit, according to the form of the ſtatute made in the one and thirtieth year of the reign of the late Queen *Elizabeth*, of bleſſed memory, which writ of proclamation ſhall be delivered to the ſaid ſheriff or ſheriffs three months before the return of the ſame.

A proclamation at the time of the exigent in criminal caſes, to be delivered three months before return.

31 El. c. 3.

V. Provided always, and be it enacted by the authority aforeſaid, That this act ſhall continue and be in force for three years, from the five and twentieth day of *March*, one thouſand ſix hundred ninety three, and from thence to the end of the next ſeſſion of parliament, and no longer. *Made perpetual by* 7 & 8 *W.* 3. *cap.* 36. *ſ.* 4.

Act to continue three years.

CAP. XXIII.

An act for the more eaſy diſcovery and conviction of ſuch as ſhall deſtroy the game of this kingdom.

WHEREAS *divers good and neceſſary laws have been heretofore made for the better preſervation of the game, notwithſtanding which laws, or for want of the due execution thereof, the game of this kingdom hath been very much deſtroyed by many idle perſons, who afterwards betake themſelves to robberies, burglaries, or other like offences, and neglect their lawful employments*; for remedy whereof, and the more effectual preſervation of the game;

Laws againſt game not repealed, to be executed.
13 R. 2. ſtat. 1. c. 13.
11 H. 7. c. 17.
19 H. 7. c. 11.
32 H. 8. c. 8.
5 Eliz. c. 21.
23 Eliz. c. 10.
1 Jac. 1. c. 27.
3 Jac. 1. c. 13.
7 Jac. 1. c. 13.
13 Car. 2. ſtat. 1, c. 10.
22 & 23 Car. 2. c. 15. & 25.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every law and ſtatute now in force for the better preſervation of the game, and every article and thing in them contained, and not herein and hereby altered or repealed, ſhall be duly put in execution, according to the tenor of the ſaid laws, and under the penalties therein contained, to be raiſed, levied, and diſpoſed of, as in and by the ſaid laws are directed.

Conſtable by warrant from a juſtice may ſearch houſes of ſuſpected perſons.

3 & 4 W. & M. c. 10.

III. And be it further enacted by the authority aforeſaid, That for the more eaſy conviction of ſuch offenders, as by the ſaid laws are prohibited, every conſtable, headborough, and tythingman, being thereunto authorized by warrant of one or more juſtice of the peace, under his or their hands and ſeals, ſhall and may have full power and authority, and is hereby required, to enter into and ſearch (in ſuch manner, and with ſuch power, as in and by *An act for the more effectual diſcovery and puniſhment of deer ſtealers*, made in the third and fourth years of their preſent Majeſties reign, is provided, in caſe of veniſon or ſkin of any

deer, or toyls) the houſe or houſes, out-houſes, or other places belonging to ſuch houſes or ſuſpected perſons not qualified as aforeſaid: and in caſe any hare, partridge, pheaſant, pigeon, fiſh, fowl, or other game, ſhall (upon ſuch ſearch or otherwiſe) be found, the offender ſhall be carried before ſome juſtice of peace of the ſame county, riding, or diviſion; and if ſuch perſon do not give a good account how he came by ſuch hare, partridge, pheaſant, pigeon, fiſh, fowl, or other game, ſuch as ſhall ſatisfy the ſaid juſtice, or elſe ſhall not in ſome convenient time, to be ſet by the ſaid juſtice, produce the party of whom he bought the ſame, or ſome other credible perſon, to depoſe upon oath ſuch ſale thereof, that then ſuch perſon not giving ſuch good account nor producing any ſuch witneſs as aforeſaid, ſhall be convicted by the ſaid juſtice of ſuch offence, and upon ſuch conviction ſhall forfeit for every hare, partridge, pheaſant, pigeon, fiſh, fowl, or other game, any ſum not under five ſhillings, and not exceeding the ſum of twenty ſhillings, to be aſcertained by the ſaid juſtice; one moiety thereof to be paid to the informer, and the other moiety to the poor of the pariſh where the offence was committed; the ſame to be levied by diſtreſs and ſale of the offender's goods, by warrant under the hand and ſeal of the juſtice before whom the offender ſhall be convicted, rendring the overplus, if any be; and for want of diſtreſs, the offender or offenders ſhall be committed to the houſe of correction, for any time not exceeding one month, and not leſs than ten days, there to be whipt and kept to hard labour; and in caſe any perſon or perſons, not qualified by the laws of this realm ſo to do, ſhall have, keep, or uſe any bows, greyhounds, ſetting-dogs, ferrits, coney dogs, hayes, lurchers, nets, tunnels, lowbels, hare pipes, ſnares, or any other inſtruments for deſtruction of fiſh, fowl, or other game, and ſhall be thereof convicted upon ſuch evidence as aforeſaid, the perſon or perſons ſo convicted ſhall forfeit and be ſubject to the ſame pains and penalties, as are hereby directed to be inflicted upon the perſon or perſons who ſhall be found to have any hare, partridge, pheaſant, pigeon, fiſh, fowl, or other game, as aforeſaid; and if any perſon or perſons, ſo produced or charged with the ſaid offence, ſhall not before the ſame juſtice give ſuch evidence of his innocence as aforeſaid, he ſhall be convicted thereof, in the ſame manner, as the perſon or perſons firſt charged therewith is hereby directed to be, and ſo from perſon to perſon, until the firſt offender ſhall be diſcovered.

If hare, &c. be found, and owner cannot give good account, he ſhall be convicted by a juſtice.

Penalty upon conviction; manner of levying.

Perſon having greyhounds, &c. how convicted, and puniſhed.

IV. And to the end all keepers and game-keepers, mentioned in and duly authorized according to the act made in the reign of the late King *Charles* the Second, may be indemnified in the execution of the ſaid office, be it enacted, That all lords of manors or other royalties, or any perſon or perſons authorized by them as game-keepers, ſhall and may, within their reſpective manors or royalties, oppoſe and reſiſt ſuch offender in the night-time, in the ſame manner, and be equally indemnified for ſo doing,

Game keepers may oppoſe perſons in the night. 21 Ed. 1. ſt. 2. 22 & 23 Car. 2. c. 25.

ing, as if ſuch fact had been committed within any ancient chaſe, park, or warren incloſed whatſoever.

V. *And whereas divers idle, diſorderly, and mean perſons, have and keep nets, angles, leaps, piches, and other engines for the taking and killing of fiſh out of the ponds, waters, rivers, and other fiſheries, to the damage of the owners thereof*; be it therefore enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall and may, at any time or times from and after the five and twentieth day of *March*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety three, have or keep any net, angle, leap, piche, or other engine for the taking of fiſh, other than the makers and ſellers thereof, for their better conveniency in the ſale of the ſame, and other than the owner and occupier of any river or fiſhery for the time being; and moreover, That it ſhall and may be lawful, not only for the owner or occupier of any river or fiſhery, and alſo for all and every other perſon and perſons by him or them for that purpoſe appointed, to ſeize, detain, and keep, to his and their own uſe and uſes, all and every net, angle, leap, piche, and other engine, which he or they ſhall find uſed or laid, or in the cuſtody or poſſeſſion of any perſon or perſons whatſoever, fiſhing in any river or fiſhery whatſoever without the conſent of the owner or occupier thereof, but alſo for any perſon or perſons whatſoever (being thereunto authorized by warrant under the hand and ſeal of any juſtice of the peace of the ſame county, diviſion, borough, town corporate, or any other place) in the day-time to ſearch the houſes, out-houſes, or other places of any perſon or perſons hereby prohibited to have or keep the ſame, as ſhall be ſuſpected to have or keep, in his or their cuſtody or poſſeſſion, any net, angle, leap, piche, or other engine aforeſaid, and the ſame and every or any of them to ſeize, detain, and keep, to his and their own uſe and uſes, or otherwiſe to cut in pieces or deſtroy, as things by this act prohibited to be kept by perſons of their degree.

Perſons not owners of fiſheries, may not keep nets, &c.

Owner of fiſhery may ſeize nets, &c. uſed in his fiſhery, and any perſons may ſearch by warrant for nets, and diſpoſe of them as he will.

VI. Provided always, That this act, or any thing therein contained, ſhall not extend, or be conſtrued to extend, to abridge any fiſherman or his apprentice or apprentices, lawfully authorized to fiſh in navigable rivers or waters, with lawful nets and engines; but that every of them ſhall and may (according to the laws and orders made, and to be made and ſettled, for the good order, rule, and government of ſuch navigable rivers and waters) uſe the trade of fiſhing, as they lawfully might have done before the making of this act; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Fiſhermen, &c. lawfully authorized, excepted.

VII. *And whereas divers offenders duly convicted, do commonly procure writs of* certiorari *to remove ſuch convictions into ſuperior courts at* Weſtminſter, *in hopes thereby to diſcourage and weary out ſuch perſons injured by great delays, expences, and incertainties*; be it therefore enacted, That no *certiorari* ſhall be allowed to remove any conviction made, or other proceeding of, for or concerning any matter or thing in this act, unleſs the party or parties, againſt whom

No *certiorari* of conviction, except party convicted give fifty pounds ſecurity to pay coſts.

whom ſuch conviction ſhall be made, ſhall before the allowance of ſuch *certiorari* become bound to the perſon or perſons proſecuting, in the ſum of fifty pounds, with ſuch ſufficient ſureties, as the juſtice or juſtices of the peace, before whom ſuch offender was convicted, ſhall think fit, with condition to pay unto the ſaid proſecutors (within one month after ſuch conviction confirmed, or *procedendo* granted) their full coſts and charges, to be aſcertained upon their oaths; and that in default thereof it ſhall be lawful for the ſaid juſtice and juſtices, and others, to proceed to the due execution of ſuch conviction, in ſuch manner as if no *certiorari* had been awarded.

Perſon puniſhed by this act, not puniſhable by others for the ſame offence.

VIII. Provided, That where any offender ſhall be puniſhed by force of this act, he ſhall not be proſecuted, nor incur the penalty of any other law or ſtatute for the ſame offence.

Perſons ſued may plead general iſſue, and recover treble coſts.

IX. Provided always, That if any action, bill, plaint, or ſuit, ſhall at any time after the ſaid five and twentieth day of *March*, be commenced or brought againſt any perſon or perſons whatſoever, for or by reaſon of any matter or thing which he or they ſhall do in purſuance of this act, it ſhall and may be lawful to and for the perſon or perſons ſo ſued or proſecuted to plead the general iſſue, and give this act or any other ſpecial matter in evidence; and if the verdict ſhall paſs with the defendant or defendants in ſuch action, or the plaintiff or plaintiffs become nonſuit, or ſuffer any diſcontinuance thereof, that in any ſuch caſe ſuch defendant or defendants ſhall have his or their treble coſts, which he or they ſhall have ſuſtained in defence of ſuch action or ſuit, for which the ſaid defendant or defendants ſhall have the like remedy, as in other caſes where coſts by the laws of this realm are given to the defendants.

Tradeſmen, &c. liable to coſts, for coming on another man's ground to hunt, &c.

X. *And whereas great miſchiefs do enſue by inferior tradeſmen, apprentices, and other diſſolute perſons neglecting their trades and employments, who follow hunting, fiſhing, and other game, to the ruin of themſelves, and damage of their neighbours*; for remedy whereof be it enacted by the authority aforeſaid, That if any ſuch perſon, as aforeſaid, ſhall preſume to hunt, hawk, fiſh, or fowl (unleſs in company with the maſter of ſuch apprentice, duly qualified by law) ſuch perſon or perſons ſhall be ſubject to the penalties of this act, and ſhall or may be ſued and proſecuted for their wilful treſpaſs in ſuch their coming on any perſon's land, and if found guilty thereof, the plaintiff ſhall not only recover his damages thereby ſuſtained, but his full coſts of ſuit; any former law to the contrary notwithſtanding.

Penalty upon perſons burning ling, &c. upon heaths.

XI. Provided always, and be it enacted, That for the better preſerving the red and black game of grouſe, commonly called *heath-cocks*, or *heath-polts*, no perſon whatſoever, on any mountains, hills, heaths, moors, foreſts, chaſes, or other waſtes, ſhall preſume to burn, between the ſecond day of *February*, and twenty fourth of *June*, any grig, ling, heath, furze, goſs, or fern, upon pain that the offender or offenders ſhall be committed to the houſe of correction, for any time not exceeding one month,

month, and not leſs than ten days, there to be whipt, and kept to hard labour.

CAP. XXIV.

An act for reviving, continuing, and explaining ſeveral laws therein mentioned, which are expired and near expiring.

WHEREAS *divers temporary laws, which by experience have been found uſeful and beneficial, are near expiring, and ſome of them are already expired*; therefore for continuing and reviving the ſame, and explaining certain doubts hereafter mentioned:

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the ſeſſion of parliament held in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for providing carriages by land and by water, for the uſe of his Majeſty's navy and ordnance*, which was thereby to have continuance, and be in force until the end of the firſt ſeſſion of the next parliament, and no longer; which ſaid act being expired, was by one act made in the firſt year of the late King *James* revived, and was enacted to have continuance during the ſpace of ſeven years, from the four and twentieth day of *June*, in the year of our Lord one thouſand ſix hundred eighty five, and from thence to the end of the firſt ſeſſion of parliament then next enſuing, ſhall be, and is hereby continued, and ſhall be in force during the ſpace of ſeven years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the firſt ſeſſion of parliament then next enſuing, and no longer. EXP.

13 & 14 Car. 2. c. 20. for providing carriages for the navy, &c. continued by an act of 1 Jac. 2. c. 11. further continued for 7 years. 11 & 12 W. 3. c. 13.

III. And be it further enacted by the authority aforeſaid, That an act made in the eighteenth year of the reign of the late King *Charles* the Second, intituled, *An act for encouraging of coinage*, and continued by another act made in the five and twentieth year of the reign of the ſaid late King *Charles*, intituled, *An act for continuing a former act concerning coinage*; both which ſaid acts were revived by an act made in the firſt year of the reign of the late King *James*, and were enacted to have continuance for the ſpace of ſeven years, to commence from the firſt day of *Auguſt*, one thouſand ſix hundred eighty five, and until the end of the firſt ſeſſion of parliament then next following, ſhall be and are by virtue of this act continued, and ſhall be in force for the ſpace of ſeven years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence unto the end of the firſt ſeſſion of parliament then next following, and no longer.

18 Car. 2. c. 5. about coinage, continued by 25 Car. 2. c. 8. both which acts are continued for 7 years by 1 Jac. 2. c. 7. further continued for 7 years. 19 Geo. 2. c. 14.

IV. *And whereas an act of parliament was made in the ſeſſion holden in the two and twentieth and three and twentieth years of the reign of the late King* Charles *the Second, intituled*, An act for the better and more certain recovery of fines and forfeitures due to his Majeſty; *which ſaid act, by an act made in the firſt year of the reign of*

22 & 23 Car. 2. c. 22. for recovery of fines and forfeitures, continued by 1 Jac. 2. c. 17. ſ. 11.

and hereby made perpetual. *See* 3 Geo. 1. c.15. ſ.12.

of the late King James *the Second, was revived and enacted to be in force from the nineteenth day of* May, *in the year of our Lord God, one thouſand ſix hundred eighty five, and to have continuance for the ſpace of ſeven years, and from thence to the end of the next ſeſſion of parliament: And whereas the ſame hath been found by experience to be a good and uſeful law, and much conducing to the ſervice of the crown*; be it enacted by the authority aforeſaid, That the ſaid act, and every article, clauſe, and thing, therein contained, ſhall be in force, and is hereby made perpetual.

Oath to be given upon return of eſtreats,

V. And be it further enacted, by the authority aforeſaid, That from henceforth all clerks of the court of *King*'s *Bench*, clerks of the court of *Common Pleas*, clerks of aſſize, clerks of the peace, town clerks, clerks of ſewers, clerks of the markets, and others to whom it belongeth to make returns of eſtreats into the court of *Exchequer*, ſhall, upon delivery in of all and every ſuch eſtreat and eſtreats, take the oath following, that is to ſay,

YOU *ſhall ſwear, That theſe eſtreats, now by you delivered, are truly and carefully made up and examined, and that all fines, iſſues, amerciaments, recognizances, and forfeitures, which were ſet, loſt, impoſed, or forfeited, and in right and due courſe of law ought to be eſtreated in the court of* Exchequer, *are, to the beſt of your knowledge and underſtanding, therein contained; and that in the ſame eſtreats are alſo contained and expreſſed all ſuch fines as have been paid into the court, from which the ſaid eſtreats are made, without any wilful or fraudulent diſcharge, omiſſion, miſnomer, or defect whatſoever.*

So help you God.

Which ſaid oath the barons of the court of *Exchequer*, or any of them, are and is hereby required and impowered to adminiſter from time to time accordingly.

22 & 23 Car. 2. c. 26. continued for 7 years. by 1 Jac. 2. c. 17. ſ. 13. and hereby further continued for 7 years. Made perpetual with 12 Car. 2. c. 4, *by* 5 Geo. 1. c. 11.

VI. And be it further enacted by the authority aforeſaid, That an act made at the ſeſſion of parliament holden in the ſaid two and twentieth and three and twentieth years of the reign of the late King *Charles* the Second, intituled, *An act to prevent the planting of tobacco in* England, *and for regulating the plantation trade*, which by an act made in the firſt year of the late King *James* was enacted to have continuance from the firſt day of the then preſent ſeſſion of parliament, for ſeven years, and from thence to the end of the next ſeſſion of parliament, ſhall by virtue of this act, continue, and ſhall be in force for the ſpace of ſeven years from the ſaid thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament.

19 Car. 2. c. 12. about aſſigning Exchequer orders, continued by 1 Jac. 2. c. 17.

VII. And be it further enacted, That an act made in the nineteenth year of the reign of the late King *Charles* the Second, intituled, *An act for aſſigning orders in the* Exchequer *without revocation*; which act in the firſt year of the reign of the late King *James* the Second was enacted to be in force from the firſt day of the then preſent ſeſſion of parliament, and to continue

continue for ſeven years, and from thence to the end of the next ſeſſion of parliament, is hereby continued, and ſhall be in force for the ſpace of ſeven years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament. EXP. f. 9. and farther continued for 7 years.

VIII. *And whereas an act made at the ſeſſion of parliament holden in the ſaid two and twentieth and three and twentieth years of the reign of the ſaid late King* Charles *the Second, intituled,* An act to revive an act, intituled, An act to prevent the diſturbance of ſeamen and others, and to preſerve the ſtores belonging to his Majeſty's navy royal, with ſome alterations and additions, *was by an act made in the firſt year of the late King* James *the Second enacted to be in force from the firſt day of the then preſent ſeſſion of parliament, for ſeven years, and from thence to the end of the firſt ſeſſion of the next parliament*; be it enacted, That the ſaid laſt mentioned act be continued, and ſhall be in force for the ſpace of ſeven years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament. EXP. 22 & 23 Car. 2. c. 23. about ſeamen and the navy ſtores, continued by 1 Jac. 2. c. 17. f. 12. farther continued for 7 years.

IX. *And whereas an act was made at the ſaid ſeſſion of parliament held in the two and twentieth and three and twentieth years of the reign of the ſaid late King* Charles *the Second, intituled,* An act to prevent frauds in the buying and ſelling of cattle in *Smithfield* and elſewhere, *which was thereby to continue in force from the four and twentieth day of* June, *one thouſand ſix hundred ſeventy one, and from thence to the end of the next ſeſſion of parliament: And whereas the ſaid act being expired, was afterwards, by an act made in the firſt year of the reign of the late King* James *the Second, enacted to be in force from the four and twentieth day of* June, *one thouſand ſix hundred eighty five, for ſeven years, and from thence to the end of the next ſeſſion of parliament: Nevertheleſs it was thereby provided, That neither the ſaid act, nor any thing therein contained, ſhould extend to ſaleſmen or factors employed by farmers or feeders*; be it enacted by the authority aforeſaid, That the ſaid act, together with the ſaid proviſo, ſhall continue and be in force for the ſpace of ſeven years from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence unto the end of the next ſeſſion of parliament, and no longer. EXP. 22 & 23 Car. 2. c. 19. about buying cattle in Smithfield, continued by 1 Jac. 2. c. 17. f. 10. farther continued for 7 years. EXP. *See* 11 & 12 W. 3. c. 13. 5 Ann. c. 34. 7 Ann. c. 6.

X. And be it further enacted, That an act made in the firſt year of their Majeſties reign, intituled, *An act for the better preventing the exportation of wool, and encouraging the woollen manufacture of this kingdom*, and every clauſe, article, and thing therein contained (other than and except ſuch part of the ſaid act as relates to the free exportation of the woollen manufacture) ſhall be and is hereby continued, and ſhall be in force for the term of three years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament, and no longer. Provided always, That no wool ſhall be imported from the kingdom of *Ireland* into the port of *Exeter*; any thing in this act, 1 W. & M. ſſ. 1. c. 32. about exportation of wool, continued for 3 years. 7 W. 3. c. 28. 9 W. 3. c. 40. Wool not to be imported from Ireland to Exeter.

or in any former act, ſtatute, or proviſion to the contrary in any wiſe notwithſtanding.

13 & 14 Car. 2. c. 12. for relief of the poor, continued by 1 Jac. 2. c. 17. and further continued by 3 & 4 W. & M. c. 11. continued for 7 years longer. *Made perpetual by* 12 Annæ, ſtat. 1. c. 18.

XI. *And whereas an act made in the thirteenth and fourteenth years of the reign of King* Charles *the Second, intituled,* An act for the better relief of the poor of this kingdom, *was enacted to have continuance (except what related to the corporations therein mentioned, and thereby conſtituted) until the twenty ninth day of* May, *one thouſand ſix hundred ſixty five, and from thence to the end of the firſt ſeſſion of the next parliament; which ſaid act, by an act made in the firſt year of the reign of the late King* James *(except as to what related to the corporations therein mentioned, and conſtituted thereby) was enacted to be in force from the firſt day of* May, *one thouſand ſix hundred eighty five, and ſo to continue for the ſpace of ſeven years, and from thence to the end of the next ſeſſion of parliament: And whereas by an act made in the laſt ſeſſon of this preſent parliament the ſaid laſt mentioned act (as to what therein related to the ſettlement of the poor) was enacted to be in force from the firſt day of* March, *one thouſand ſix hundred ninety one, but no proviſion was thereby made for continuing of divers other parts of the ſaid act, which by experience are found to be uſeful and beneficial to the publick:* Be it enacted by the authority aforeſaid, That the ſaid act for the better relief of the poor of this kingdom, as to all parts thereof not mentioned and continued in and by the ſaid act made in the laſt ſeſſion of this preſent parliament (other than and except what relates to the corporations mentioned in the ſaid act for the better relief of the poor of this kingdom, and thereby conſtituted) ſhall be continued, and ſhall be in force for the ſpace of ſeven years from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament, and no longer.

30 Car. 2. ſtat. 1. c. 7. about recovery againſt executors *de ſon tort* continued by 1 Jac. 2. c. 17. ſ. 14. made perpetual. *Devaſtavit* againſt executors by right.

XII. And be it further enacted by the authority aforeſaid, That an act made in the thirtieth year of the reign of King *Charles* the Second, intituled, *An act to enable creditors to recover their debts of the executors and adminiſtrators of executors in their own wrong*; which ſaid act in the firſt year of the reign of the late King *James* the Second, was enacted to be in force from the firſt day of the then preſent ſeſſion of parliament, and to continue for ſeven years, and from thence to the end of the firſt ſeſſion of the then next parliament, ſhall be and is hereby continued and made perpetual. And foraſmuch as it hath been a doubt whether the ſaid act did extend to any executor or executors, adminiſtrator or adminiſtrators of any executor or adminiſtrator of right, who for want of privity in law were not before anſwerable, nor could be ſued for the debts due from or by the firſt teſtator or inteſtate, notwithſtanding that ſuch executors or adminiſtrators had waſted the goods and eſtate of the firſt teſtator or inteſtate, or converted the ſame to his or their own uſe: For remedy whereof be it further enacted and declared by the authority aforeſaid, That all and every the executor and executors, adminiſtrator or adminiſtrators of ſuch executor or adminiſtrator of right, who ſhall waſte or convert

to

to his own uſe, goods, chattels, or eſtate of his teſtator or inteſtate, ſhall from henceforth be liable and chargeable in the ſame manner as his or their teſtator or inteſtate ſhould or might have been; any law or uſage to the contrary notwithſtanding.

XIII. *And whereas by an act made at the laſt ſeſſion of this preſent parliament, intituled,* An act to take away clergy from ſome offenders, and to bring others to puniſhment, *it was enacted, in caſes where a man, being convicted of felony, might demand the benefit of his clergy, a woman convicted for ſuch like offence, and praying the benefit of that ſtatute, ſhould not have judgment of death given againſt her upon ſuch conviction, or execution awarded upon any outlawry for ſuch offence, but ſhould ſuffer the ſame puniſhment as a man who hath the benefit of his clergy in the like caſe ſhould ſuffer: And whereas ſome doubt hath ariſen upon the ſaid ſtatute, whether a woman ſhould have the benefit thereof more than once*; be it therefore declared and enacted by the authority aforeſaid, That if any woman hath been, or at any time hereafter ſhall be, convicted of any felony, for which a man might have the benefit of clergy, and upon her prayer hath once had, or hereafter ſhall once have, the benefit of the ſaid ſtatute, and ſhall be again convicted of any other felony, for which a man might have the benefit of his clergy, ſuch woman ſhall be, and is hereby totally excluded from having any benefit or advantage of the ſaid ſtatute, but ſhall ſuffer pains of death in ſuch and the ſame manner as if the ſaid ſtatute had not been made. And be it further enacted, That the ſaid laſt mentioned act ſhall continue and be in force for the ſpace of three years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament, and no longer.

3 & 4 W. & M. c. 9. continued for 3 years. *Made perpetual by* 6 & 7 W. 3. c. 14.

Women only to have benefit of clergy once. *Made perpetual by* 6 & 7 W. 3. c. 14. ſ. 1.

XIV. And be it further enacted by the authority aforeſaid, That an act made at the ſeſſion of parliament holden in the thirteenth and fourteenth years of the reign of the late King *Charles* the Second, intituled, *An act for preventing abuſes in printing ſeditious, treaſonable, and unlicenced books and pamphlets, and for regulating of printing and printing preſſes*, which was, by an act made in the firſt year of the reign of the late King *James*, revived and enacted to have continuance from the twenty fourth day of *June*, one thouſand ſix hundred eighty five, for the ſpace of ſeven years, and from thence to the end of the next ſeſſion of parliament; be it enacted by the authority aforeſaid, That the ſaid act be continued and ſhall be in force for the ſpace of one year, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament, and no longer. EXP.

13 & 14 Car. 2. c. 33. about printing, continued by 1 Jac. 2. c. 17. ſ. 15. continued for one year longer.

XV. *And whereas a certain act made at the ſeſſion of parliament held in the ſixteenth and ſeventeenth years of the reign of the late King* Charles *the Second, intituled,* An act for returning of able and ſufficient jurors, *is expired*; be it enacted by the authority aforeſaid, That all jurors (other than ſtrangers upon trials *per Medietatem Linguæ*) who are to be returned for trials of iſſues joined

16 & 17 Car. 2. c. 3.

All jurors to have 10 l. per ann.

joined in any of the courts of *King's Bench*, *Common Pleas*, or *Exchequer*, or before juſtices of aſſize, or *Niſi prius*, *oyer* and *terminer*, gaol delivery, or general quarter ſeſſions of the peace, from and after the firſt day of *May*, one thouſand ſix hundred ninety three, in any county of this realm of *England*, ſhall every of them have in their own name, or in truſt for them, within the ſame county, ten pounds by the year at leaſt above reprizes, of freehold or copyhold lands or tenements, or of lands and tenements of ancient demeſn, or in rents, or in all or any of the ſaid lands, tenements or rents, in fee-ſimple, fee-tail, or for the life of themſelves, or ſome other perſon: And

Welch jurors 6l. per ann.

that in every county of the dominion of *Wales*, every ſuch juror ſhall then have within the ſame county ſix pounds by the year at leaſt, in manner aforeſaid, above reprizes. All which perſons, having ſuch eſtates as aforeſaid, are hereby enabled and made liable to be returned and ſerve as jurors for the trial of iſſues before the courts and juſtices aforeſaid; any law or ſtatute to the contrary in any wiſe notwithſtanding. And if any of a leſſer eſtate and value ſhall be reſpectively returned upon any ſuch jury, it ſhall be a good cauſe of challenge, and the party returned ſhall be diſcharged upon the ſaid challenge, or upon his own oath of the truth of the ſaid matter. And that no juryman's iſſues, making default, ſhall be ſaved, but by ſpecial order of the court or judges before whom the iſſue is to be tried, for ſome reaſonable cauſe proved upon oath before the ſame court or judges; and all ſuch iſſues ſhall be duly eſtreated and levied; and the writ of *Venire facias*, which from and after the time aforeſaid, ſhall be awarded and directed for the impanelling of juries in cauſes aforeſaid, within any county of *England*, ſhall be after this form:

Iſſues ſhall be duly eſtreated. *Continued* 7 W. 3. c. 23.

Form of *Venire*.

REX, *&c. præcipimus, &c. quod venire fac' coram, &c. Duodecim liberos & legales homines, de Vicineto de A. quor' quilibet habeat Decem librat' Terræ, Tenementor' vel Reddituum per Annum ad minus, per quos, &c. & qui nec, &c.*

And the reſidue of the ſaid writ ſhall be after the ancient manner; and that the writs, which ſhall be awarded and directed for the returning of juries within the dominion of *Wales*, ſhall be made in the ſame manner, altering only the word *Decem* for *Sex*; and that upon every ſuch writ or writs of *Venire facias* the ſheriff, coroner, and other miniſters of each reſpective county in *England* and *Wales*, unto whom the making of the panel ſhall appertain, ſhall not return in any ſuch panel any perſon, unleſs he ſhall then have ten pounds, or ſix pounds, reſpectively by the year at leaſt, as aforeſaid, in the ſame county where the iſſue is to be tried, upon pain to forfeit for every perſon being returned in any ſuch panel, that ſhall not then have ten pounds or ſix pounds reſpectively, as aforeſaid, the ſum of five pounds to their Majeſties, their heirs, and ſucceſſors.

Penalty upon ſheriff otherwiſe returning.

XVI. And be it further enacted, That no ſheriff or bailiff of any

any liberty or franchiſe, or any of their or either of their miniſters, ſhall return any ſuch perſon or perſons as aforeſaid, to have been ſummoned by them, or any of them, unleſs ſuch perſon and perſons ſhall have been duly ſummoned by the ſpace of ſix days at the leaſt, before the day on which they ought to make their appearance; nor ſhall directly or indirectly take money or other reward to excuſe the appearance of any juror, by any of them to be ſummoned or returned, upon pain to forfeit for every ſuch offence the ſum of ten pounds to their Majeſties, their heirs and ſucceſſors. Penalty upon ſheriff returning without ſix days ſummons, or excuſing for reward.

XVII. Saving nevertheleſs to all cities, boroughs, and towns corporate, their ancient uſage of returning jurors of ſuch eſtate, and in ſuch manner, as heretofore has been uſed and accuſtomed; any thing in this act contained to the contrary notwithſtanding. Boroughs, &c. excepted.

XVIII. Provided nevertheleſs, That it ſhall be lawful to return any perſon to ſerve upon the *Tales* in any county within the kingdom of *England*, who ſhall have within the ſame county five pounds by the year, above reprizes, in manner aforeſaid, and not otherwiſe. *Tales* 5 l. per ann.

XIX. Provided nevertheleſs, That it ſhall be lawful to return any perſon to ſerve upon the *Tales* in any county within the dominion of *Wales*, who ſhall have within the ſame county three pounds by the year, above reprizes, in manner aforeſaid, and not otherwiſe. Welch *Tales* 3 l. per ann.

XX. And be it further enacted by the authority aforeſaid, That no fee or reward whatſoever ſhall be taken by any ſheriff, clerk of aſſizes, or any other officer or perſon whatſoever, for the returning of any *Tales*, or upon the account of any *Tales* returned, upon pain of forfeiting for every ſuch offence, the ſum of ten pounds, whereof one moiety to be to the uſe of the proſecutor, and the other moiety to the uſe of their Majeſties, their heirs and ſucceſſors, to be recovered by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed. 10 l. penalty upon officer taking fee for returning any *Tales*.

XXI. And be it further enacted, That no writ *de non ponendis in Aſſiſis & Juratis* ſhall be hereafter granted, unleſs upon oath made, that the ſuggeſtions upon which the ſaid writ is granted are true. *Non ponend'* grantable upon oath only.

XXII. And be it enacted, That ſo much of this preſent act as does relate to the returning of jurors, ſhall be in force for the ſpace of three years, from the ſaid firſt day of *May*, one thouſand ſix hundred ninety three, and from thence to the end of the next ſeſſion of parliament. *Farther continued by* 9 *Geo.* 1. *c.* 8. *ſ.* 2. Act to continue three years, as to return of jurors.

CAP. XXV.

An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers. 1 W. & M. ſeſſ. 1. EXP. cap. 34. continued by 2 W. & M. ſeſſ. 2. cap. 14. continued for three years longer.

Anno

De Annis Regni GULIELMI & MARIÆ *quinto & ſexto.*

AT *the parliament begun at* Weſtminſter *the twentieth day of* March, Anno Dom. 1689. *in the ſecond year of the reign of our ſovereign lord and lady,* William *and* Mary, *by the grace of God, of* England, Scotland, France, *and* Ireland, *King and Queen, defenders of the faith,* &c. *and from thence continued by ſeveral prorogations and adjournments to the ſeventh day of* November, 1693. *being the fifth ſeſſion of this preſent parliament.*

CAP. I.

EXP. An act for granting to their Majeſties an aid of four ſhillings in the pound for one year, for carrying on a vigorous war againſt France.

CAP. II.

An act for repealing ſuch parts of ſeveral former acts, as prevent or prohibit the importation of foreign brandy, aqua vitæ, *and other ſpirits, and bacon, except from* France.

4 & 5 W. & M. c. 5. WHEREAS *by one act of parliament made in the fourth and fifth years of their Majeſties reign, intituled,* An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandizes for the proſecuting the preſent war againſt *France, the commons aſſembled in parliament, among other duties and charges by the ſaid act granted to their Majeſties upon goods and merchandizes imported after the firſt day of* March, *one thouſand ſix hundred ninety two, and before the firſt day of* March, *one thouſand ſix hundred ninety ſix, did grant to their Majeſties for every gallon of ſtrong waters,* aqua vitæ, *or brandy, commonly called,* ſingle brandy, *or* ſtrong waters, *imported within the ſaid time, to be paid by the importer before landing, two ſhillings, over and above the duties of exciſe and cuſtoms, at any time before the ſecond year of their Majeſties reign payable for the ſame; and for every gallon of ſtrong waters, ſpirits, or brandy above proof, called* double brandy, *imported within the ſaid time, to be paid by the importer before landing, four ſhillings, over and above the duties of exciſe and cuſtoms, at any time before the ſecond year of their Majeſties reign, payable for the ſame; and by one other act in the ſame year made, intituled,* An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France, the ſaid commons did grant to their Majeſties for every gallon of ſingle brandy, ſpirits, or* aqua vitæ, *imported from beyond the ſeas, to be paid by the importer before landing, over and above all other duties payable for the ſame, ſix pence; and for every gallon of brandy, ſpi-*

4 & 5 W. & M. c. 3.

rits,

its, or aqua vitæ *above proof, commonly called* double brandy, *imported from beyond the ſeas, to be paid by the importer before landing, over and above all other duties payable for the ſame, one ſhilling: which grant, contrary to the intention of the ſaid commons, became neffectual to their Majeſties; for that all importation of brandy was, by one act of parliament made in the firſt year of their Majeſties reign, intituled,* An act for prohibiting all trade and commerce with *France, prohibited to be imported into* England *and* Ireland, *and the dominions and iſlands therein named, from and after the four and twentieth day of* Auguſt, *in the year of our Lord one thouſand ſix hundred eighty nine:* For remedy whereof, and that the revenue ariſing by the ſaid grants may be for the future anſwered to their Majeſties, according to the purport of the ſaid firſt recited acts, 1 W. & M. ſſ. 1. c. 34.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That one clauſe in the ſaid act, for prohibiting of all trade and commerce with *France*, in theſe words (that is to ſay) *and be it further enacted, That no ſort of brandy,* aqua vitæ, *or other ſpirits, or diſtilled waters, of any kingdom, country, or place whatſoever, ſhall, after the ſaid four and twentieth day of* Auguſt, *be imported into the kingdoms of* England *or* Ireland *aforeſaid, dominions or iſlands aforeſaid, under pain of forfeiture thereof, as alſo of the ſhip or veſſel wherein the ſame ſhall be imported,* is, and ſhall be by virtue of this act, from the firſt day of this preſent ſeſſion of parliament, repealed; any thing in the ſaid act for prohibiting all trade and commerce with *France*, or any other law or ſtatute to the contrary notwithſtanding. Clauſe of 1 W. & M. ſſ. 1. c. 34. f. 8. prohibiting brandy, repealed.

III. Provided always, and be it enacted, That the duties of two ſhillings and four ſhillings a gallon upon ſingle brandy and double brandy reſpectively impoſed by the ſaid firſt recited act, above the duties of exciſe and cuſtoms at any time before the ſecond year of their Majeſties reign payable for the ſame, was thereby intended, and ſhall be conſtrued, to extend to ſuch duties as were then payable for the ſame, by any ſtatute then in force, and not otherwiſe; and that no ſort of brandy, *aqua vitæ*, or other ſpirits, ſhall be imported from *France* into this kingdom, or any of the dominions and territories thereunto belonging, by virtue of this act, other than as the ſame is provided and enacted to be imported by one act of this preſent parliament, made in the ſaid fourth and fifth years of their Majeſties reign, intituled, *An act for continuing the acts for prohibiting all trade and commerce with* France, *and for the encouragement of privateers.* Cuſtom on brandy. 4 & 5 W. & M. c. 25.

IV. *And whereas there was further granted to their Majeſties, by the ſaid firſt recited act, four pence for every pound of bacon imported within the time limited, by the ſaid act, which could not be anſwered to their Majeſties, becauſe the importation of bacon is prohibited by one act of parliament made in the eighteenth year of the reign of the late King* Charles *the Second, intituled,* An act againſt import- Cuſtom upon bacon imported. 4 & 5 W. & M. c. 5. 18 Car. 2. c. 2.

importing cattle from *Ireland*, and other parts beyond the ſeas, and fiſh taken by foreigners: *And by one other act made in the twentieth year of his ſaid late Majeſty's reign, intituled,* An additional act againſt the importation of foreign cattle; be it enacted by the authority aforeſaid, That the ſaid ſum of four pence for every pound of bacon imported, granted to their Majeſties by the ſaid act, ſhall be paid and anſwered to their Majeſties from the firſt day of this preſent ſeſſion of parliament, for and during the continuance of the ſaid act; any thing in the ſaid recited acts of the eighteenth and twentieth of the ſaid King *Charles* the Second, or any other law or ſtatute to the contrary notwithſtanding.

20 Car. 2. c. 7.

CAP. III.

EXP. *An act for the importation of fine* Italian, Sicilian, *and* Naples *thrown ſilk.*

2 W. & M. ſt. 1. c. 9. Exp. WHEREAS *by an act made in the ſecond year of their Majeſties reign, intituled,* An act for the diſcouraging the importation of thrown ſilk, *amongſt other things in the ſaid act contained, the bringing in of thrown ſilk of the growth or production of* Italy, Sicily, *or the kingdom of* Naples, *is prohibited, unleſs imported in ſuch ſhips and veſſels, and navigated in ſuch manner, as in and by an act made in the twelfth year of the reign of King* Charles *the Second, intituled,* An act for the encouragement and increaſing of the ſhipping and navigation, *is directed or allowed, and brought from ſome of the ports of thoſe countries or places whereof the ſame is of the growth or production, and which ſhall come directly by ſea, and not otherwiſe: and whereas by the act of navigation,* Italian, *and* Sicilian *thrown ſilk may be brought from any port or place of* Europe, *and that it hath been found by experience, that the importation of* Italian, Sicilian, *and* Naples *ſilk, by the ways preſcribed by the ſaid recited act (in regard of the great difficulties and hazard occaſioned by the preſent war with* France) *is greatly prejudicial, and if longer continued will endanger the loſs of the ſilk manufactory of this nation,* &c.

12 Car. 2. c. 18.

Fine thrown Italian ſilk may be imported, during the preſent war with France, and three months after. Coarſe ſilk, &c. not to be imported. Penalty. All Italian ſilk muſt be brought to the cuſtom houſe, London.

CAP. IV.

An act to repeal a clauſe in the ſtatute made in the four and thirtieth and five and thirtieth years of King Henry *the Eighth, by which juſtices of peace in* Wales *are limited to eight in each county.*

34 & 35 H. 8. c. 26. l. 55. WHEREAS *in a ſtatute made in the thirty fourth and thirty fifth years of the reign of King* Henry *the Eighth, intituled,* An act for certain ordinances in the King's majeſty's dominion and principality of *Wales, there is a clauſe or article contained in theſe words, that is to ſay, Item,* That there ſhall not exceed the number of eight juſtices of the peace in any of the ſaid ſhires, over and beſides the preſident, council, and juſtices aforeſaid, and

and the King's attorney and ſolicitor; which preſident, council, juſtices, and the King's attorney and ſolicitor, ſhall be put in every commiſſion of peace, in every of the ſaid twelve ſhires: *and whereas the law contained in this clauſe or article is by experience found to be inconvenient:*

II. Be it therefore enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by authority of the ſame, That the ſaid clauſe or article be from henceforth abſolutely repealed and vacated to all intents and purpoſes; and that it ſhall and may be lawful to and for the King's and Queen's moſt excellent majeſties, their heirs and ſucceſſors, by commiſſion under the great ſeal of *England*, to conſtitute, nominate, and appoint, from time to time, any ſuch number of perſons to be juſtices of peace in any of the ſaid counties of *Wales*, as they ſhall think fitting and convenient, according to ſuch ways and methods as are commonly uſed for the conſtituting, nominating, and appointing, of juſtices of the peace in and for any county of *England*; and that the perſons ſo conſtituted, nominated, and appointed, ſhall have power and authority to act and to do any manner of thing pertaining to the office of a juſtice of peace, in as large and ample manner as any juſtice or juſtices of the peace within the dominion of *Wales* might or ought to have done before the making of this act; any law, ſtatute, uſage, or ordinance, to the contrary in any wiſe notwithſtanding.

King may nominate any number of juſtices in Wales.

CAP. V.

An act to ſupply the deficiency of the money raiſed by a former act, intituled, An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France.*

WHEREAS *by an act of this preſent parliament, intituled,* An act for granting to their Majeſties certain rates and duties of exciſe, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France, it was enacted, That it ſhould be lawful for any perſons, natives or foreigners, to contribute towards the advancing the ſum of ten hundred thouſand pounds for the purpoſes therein mentioned, by paying into their Majeſties receipt of* Exchequer *ſuch ſum or ſums of money, at ſuch times, and upon ſuch terms reſpectively, as in the ſaid act are particularly mentioned and expreſſed: and whereas the ſeveral ſums paid in upon the ſaid act by the ſeveral contributors did and do in the whole amount but to the ſum of eight hundred eighty one thouſand four hundred ninety three pounds fourteen* 4 & 5 W. & M. c. 3.

fourteen ſhillings and two pence: We your Majeſties moſt loyal and dutiful ſubjects, the commons in parliament aſſembled, being ſenſible of the great and neceſſary expences, in which your Majeſties are engaged for carrying on the preſent war againſt the *French* king, and being deſirous to ſupply the ſame in ſuch manner as may be leaſt grievous to your Majeſties ſubjects, do beſeech your Majeſties that it may be enacted:

14l. per cent. for life, for every 100l. advanced.

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for any perſons, natives or foreigners, to contribute towards the advancing the ſum of one hundred and eighteen thouſand five hundred and ſix pounds five ſhillings and ten pence, to make up the whole ſum of ten hundred thouſand pounds by the ſaid recited act intended to be advanced, by paying into the receipt of their Majeſties *Exchequer*, at any time before the firſt day of *May*, one thouſand ſix hundred ninety four, any ſum or ſums of money, not exceeding in the whole the ſum of one hundred and eighteen thouſand five hundred and ſix pounds five ſhillings and ten pence, upon the terms following; (that is to ſay,) That every ſuch perſon, out of the rates and duties of exciſe granted by the ſaid recited act, ſhall have and receive, for every ſum of one hundred pounds by them reſpectively advanced and paid, a yearly annuity, rent, or payment of fourteen pounds of lawful *Engliſh* money, and proportionably for a greater ſum, for and during the life of ſuch perſon ſo advancing or paying the ſame, or during any other life to be nominated by the perſon advancing or paying any ſuch ſum as aforeſaid, the ſame to be nominated within ſix days after payment of ſuch ſum; which yearly annuities, rents, or payments, ſhall commence from the four and twentieth day of *June* next enſuing, and ſhall be paid and payable at the four moſt uſual feaſts of the year, that is to ſay, the annunciation of the bleſſed virgin *Mary*, the nativity of Saint *John Baptiſt*, the feaſt of Saint *Michael* the archangel, and the feaſt of the birth of our Lord Chriſt, by even and equal portions; and every perſon, on payment of any ſuch ſum or ſums as aforeſaid, ſhall immediately have one or more tally or tallies, importing the receipt of the conſideration money, and orders for the payment of the ſaid annuities, bearing the ſame date with the tally; the ſaid tallies to be levied, and the ſaid orders to be ſigned, in the ſame manner as in the ſaid recited act is mentioned touching tallies and orders to be given to the contributors for annuities upon the ſaid act, and the ſaid orders not to be determinable, revocable, or countermandable, as touching the forementioned orders in the ſaid recited act is enacted; which ſaid orders ſhall be aſſignable and transferrable in ſuch and the ſame manner, as is mentioned in the ſaid recited act, touching orders given to the contributors in the ſaid act mentioned; and all the rates and duties by the ſaid recited act granted, over and beſides ſo much

Orders tranſferrable.

Duties appropriated for payment.

as

as ſhall bear proportion, at the rates in the ſaid act mentioned, to the whole ſum of eight hundred eighty one thouſand four hundred ninety three pounds fourteen ſhillings and two pence, already advanced by the contributors upon the ſaid recited act, are and ſhall be appropriated and applied, and are hereby appropriated, to and for the payment of the ſaid annuities, yearly rents, or ſums, after the rate of fourteen pounds *per centum per annum*, for every hundred pounds to be advanced as aforeſaid, according to the true intent and meaning of this act, and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever, under the like penalties, forfeitures, and diſabilities, in reſpect to all and every the officers and other perſons in the ſaid recited act mentioned, as are in the ſaid act appointed and enacted, in caſe of diverting or miſapplying any part of the monies which ought to be paid to the contributors upon the ſaid act; and the ſaid officers are hereby required to keep books and regiſters, and make entries of the names of all perſons who ſhall advance any monies before the ſaid firſt day of *May* as aforeſaid, and of the ſeveral ſums ſo advanced, and the times of paying in the ſame reſpectively, and the names of ſuch perſons for whoſe lives the ſeveral annuities or yearly payments are to be payable, without fee or reward, in ſuch manner as in the ſaid recited act is mentioned; to which books all perſons concerned ſhall have acceſs, as in the ſaid act alſo is directed; all which the ſaid officers are to do and perform, under the like penalties and forfeitures, and diſabilities, as in the ſaid recited act are mentioned: and every perſon, who ſhall advance and pay any ſuch ſum as aforeſaid, before the firſt day of *May* as aforeſaid, ſhall receive out of the money granted by the ſaid recited act, for all money ſo advanced by him and paid, from the reſpective days of payment unto the four and twentieth day of *June* as aforeſaid, intereſt at the rate of ten pounds *per centum per annum*.

Regiſter to be kept.

Penalty.

Intereſt betwixt May and June.

III. And be it further enacted, That any monies payable to any perſon or perſons, upon or by virtue of this act, ſhall not be charged or chargeable with any rates, duties, or impoſitions whatſoever: and in caſe there ſhall be any ſurplus or remainder of the monies ariſing by the ſaid rates and duties of exciſe, at the end of any year during the term of ninety nine years granted therein by the ſaid former act, after making all the payments which by this, or the ſaid former act, are appointed to be paid or ſatisfied within the ſame year, or reſerving money for the ſame, ſuch ſurplus or remainder ſhall be to the uſe of their Majeſties, their heirs and ſucceſſors.

Money lent free from taxes.

Surplus to the King.

IV. And to make the payment of the annuities more eaſy to the ſeveral contributors upon this and the before recited act, both upon the terms of ſurvivorſhip, and the annuity of fourteen pounds *per centum*; be it enacted, That every contributor upon this or the former act, his or her executors, adminiſtrators, or aſſigns, upon their demanding any half yearly or quarterly payment of his, her, or their reſpective ſhares of either of the ſaid

Certificate of nominee's life.

funds (unleſs the nominee appear in perſon at the ſaid receipt) ſhall produce a certificate of the life of his, her, or their reſpective nominee, ſigned by the miniſter and churchwardens of the pariſh where ſuch nominee ſhall be then living, as by the ſaid recited act is appointed, or otherwiſe it ſhall and may be lawful to and for every contributor, his or her executors, adminiſtrators or aſſigns, at his, her or their election, to make oath of the truth of his, her or their reſpective nominee's life, upon the day when the ſaid payments ſhall become due, before any one or more juſtices of the peace of the reſpective county, riding, city, town, or place wherein ſuch perſon at the time of making the ſaid oath ſhall reſide (which oath he or they are hereby impowered to adminiſter) and the ſaid juſtice or juſtices ſhall make a certificate thereof, for which oath and certificate no fee or reward ſhall be required; and the ſaid certificates ſhall be filed in the ſaid office of receipt of the *Exchequer:* and if any perſon ſhall be guilty of a falſe oath, or forging any certificate, touching the premiſſes, and be thereof lawfully convicted, he ſhall incur the pains and penalties to be inflicted upon perſons who commit wilful perjury or forgery: and in caſe any nominee ſhall at the time of ſuch demand be reſident in *Scotland*, or beyond the ſeas, and any one or more of the barons of the *Exchequer* for the time being ſhall certify, that upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a ſummary way) it doth ſeem probable to him or them, that the ſaid nominee is living (which certificate is to be given, and examination made, without fee or charge) the ſaid certificate, being filed as aforeſaid, ſhall be a ſufficient warrant for making the ſaid quarterly payment to the reſpective contributors or advancers, their executors, adminiſtrators or aſſigns: and if any perſon or perſons ſhall receive one or more quarterly payments upon his, her or their annuity or annuities, for any time beyond the death of his, her or their nominee, when the ſame ought to ceaſe, ſuch perſon or perſons ſhall forfeit treble the value of the monies ſo by him, her or them received; the one half thereof to their Majeſties, their heirs and ſucceſſors, and the other half to him or them that will ſue for the ſame, by action, ſuit, bill, or information, in which no eſſoin, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed.

Penalty on perjury and forging of certificate.

Certificate of nominee's abſence.

Penalty on receiving after nominee's death.

Proviſion for thoſe that have not named any life.

V. *And whereas ſeveral perſons, who did contribute, advance, or pay ſeveral of the ſums of money which have been contributed, advanced, or paid upon the ſaid recited act, for ſhares, dividends, annuities, or other benefits in the ſaid act mentioned reſpectively, as well upon the benefit of ſurvivorſhip, as upon the yearly annuities of fourteen pounds* per centum, *did not name to the auditor of the receipt, or clerk of the pells in the receipt of the* Exchequer, *by or within the reſpective times by the ſaid act appointed, the reſpective lives, during which ſuch dividends, ſhares, annuities, or other benefits reſpectively were to continue*; it is hereby further enacted and provided by the authority aforeſaid, that if ſuch perſons, or any of them, ſhall at any time or times before

before the firſt day of *March* next, nominate to the auditor of the receipt, or the clerk of the pells in the ſaid *Exchequer*, the reſpective lives (their own or others) during which ſuch dividends, ſhares, annuities, or other benefits, ſhould continue reſpectively, that then and in every ſuch caſe his, her or their nominees ſhall be entred in the books kept in the ſaid receipt for the nominees; and every ſuch contributor or contributors, his her and their executors, adminiſtrators and aſſigns reſpectively, ſhall have, receive and enjoy, and be intituled to have, receive and enjoy, ſuch and the like dividends, ſhares, annuities and other benefits, for and in reſpect of the monies ſo contributed, advanced or paid, as he, ſhe or they might, ſhould or ought to have had, received or enjoyed, in caſe the reſpective lives for the ſame had been named within the reſpective times by the ſaid act preſcribed; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Surplus not to be charged with penſions, &c.

VI. Provided alſo, and be it further enacted, that the ſurplus or remainder of the monies ariſing by the ſaid rates and duties, appointed by the ſaid act to be to the uſe of their Majeſties, their heirs and ſucceſſors, ſhall not be charged or chargeable with any gift, grant or penſion whatſoever; and that all and every grant and grants of any ſuch penſions ſhall be and is hereby declared to be utterly void; and all and every perſon and perſons to whom ſuch grants are or ſhall be paſſed, ſhall be and are hereby made accountants unto their Majeſties, their heirs and ſucceſſors, and ſhall pay back all ſums of money received by pretence of ſuch grants, and the court of *Exchequer* is hereby required to iſſue out proceſs accordingly.

CAP. VI.

An act to prevent diſputes and controverſies concerning royal mines.

WHEREAS *by a clauſe in one act of parliament made in the firſt year of their Majeſties reign, intituled*, an act to repeal the ſtatute made in the fifth year of King *Henry* the Fourth, againſt the multiplying of gold and ſilver, *it is amongſt other things enacted, that no mine of tin, copper, iron or lead, ſhall hereafter be adjudged, reputed or taken to be a royal mine, although gold or ſilver may be extracted out of the ſame: but notwithſtanding the good proviſion by the ſaid ſtatute to prevent the diſcouraging their Majeſties good ſubjects, who have mines of copper, tin, iron or lead in their ſoils, from digging and opening the ſame, many doubts, and queſtions have ariſen upon the ſtatute, whereby great ſuits and troubles have ariſen to many owners and proprietors of ſuch mines*; wherefore for the better explanation of the ſaid ſtatute: 1 W. & M. ſſ. 1. c. 30.

Owners of mines ſhall enjoy them.

II. Be it enacted and declared by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, that all and every perſon or perſons, being ſubjects of the crown of *England*, bodies politick or corporate, that now are or hereafter ſhall

be the owner or owners, proprietor or proprietors of any mine or mines within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, wherein any ore now is, or hereafter ſhall be diſcovered, opened, found or wrought, and in which there is copper, tin, iron or lead, ſhall and may hold and enjoy the ſame mine or mines and ore, and continue in the poſſeſſion thereof, and dig and work the ſaid mine or mines or ore, notwithſtanding that ſuch mine or mines or ore ſhall be pretended or claimed to be a royal mine or royal mines; any law, uſage or cuſtom to the contrary notwithſtanding.

The King may have the ore on the rates following.

III. Provided always, and be it enacted and declared, That their Majeſties, their heirs and ſucceſſors, and all claiming any royal mines under them, ſhall and may have the ore of any ſuch mine or mines in any part of the ſaid kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed* (other than tin ore in the counties of *Devon* and *Cornwall*) paying to the proprietors or owners of the ſaid mine or mines wherein ſuch ore is or ſhall be found, within thirty days after the ſaid ore is or ſhall be raiſed and laid upon the banks of the ſaid mine or mines, and before the ſame be removed from thence, the rates following (that is to ſay) for all ore waſht, made clean, and merchantable, wherein is copper, the rate of ſixteen pounds *per* ton; and for all ore waſht, made clean, and merchantable, wherein there is tin, the rate of forty ſhillings *per* ton; and for all ore waſht, made clean, and merchantable, wherein there is iron, the rate of forty ſhillings *per* ton; and for all ore waſht, made clean, and merchantable, where there is lead, the rate of nine pounds *per* ton. And in default of payment of ſuch reſpective ſums as aforeſaid, it ſhall and may be lawful for the owners and proprietors of the ſaid mine or mines, wherein ſuch ore is, are or ſhall be found, to ſell and diſpoſe of the ſaid ore to his and their own uſes; any law, ſtatute or cuſtom to the contrary notwithſtanding.

The tinners charters, &c. ſaved.

IV. Provided always, That nothing contained in this act ſhall alter, determine, or make void the charters granted to the tinners of *Devon* and *Cornwall*, by any of the Kings and Queens of this realm, or any of the liberties, privileges or franchiſes of the ſaid tinners, or to alter, determine or make void the laws, cuſtoms or conſtitutions of the ſtannaries of *Devon* or *Cornwall*, or any of them.

CAP.

CAP. VII.

An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt France.

Moſt gracious Sovereigns,

WE your Majeſties moſt loyal and dutiful ſubjects the commons, in parliament aſſembled, being ſenſible of the great and neceſſary expences in which your Majeſties are engaged, for carrying on the preſent war againſt the *French* King; and being deſirous to ſupply the ſame in ſuch manner as may be leaſt grievous to your Majeſties ſubjects: Therefore for the encouragement of ſuch perſons who ſhall voluntarily contribute to the advancing and paying into your Majeſties *Exchequer*, towards carrying on the ſaid war, any ſum or ſums of money, not exceeding the ſum of ten hundred thouſand pounds, upon the reſpective terms and recompences hereafter mentioned, we your Majeſties ſaid loyal and dutiful ſubjects the commons, in parliament aſſembled, have given and granted, and do hereby give and grant unto your Majeſties the ſeveral rates and duties hereinafter mentioned, for and during the ſeveral terms herein after expreſſed, and do beſeech your Majeſties that it may be enacted:

Rates upon ſalt for 3 years. *For application of the money granted by this act ſee* 9 & 10 W. 3. c. 34. *made perpetual by* 7. & 8. W. 3. c. 31. ſ. 2.

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March* one thouſand ſix hundred ninety four, there ſhall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, until the ſeventeenth day of *May*, which ſhall be in the year of our lord one thouſand ſix hundred ninety ſeven, and no longer, for ſalt, the rates and duties following, (that is to ſay)

Foreign ſalt 3*d. per* gallon. *Additional duties by* 9 & 10. W. 3. c. 44. ſ. 2, 3, & 4.

III. For every gallon of ſalt, not being of the product or manufacture of the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, imported or to be imported from and after the ſaid five and twentieth day of *March* into the ſaid kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, the ſum of three pence of lawful money of *England*, to be paid by the importer thereof, over and above the preſent duties now payable for ſalt imported, and after that rate for a greater or leſſer quantity. And for every gallon of ſalt and rock-ſalt, made at the ſalt-works, or taken out of any pits, within the ſaid kingdom of *England*, dominion of *Wales*, or town of

Home ſalt 1*d.* 2*q.*

Berwick upon *Tweed*, the ſum of one penny halfpenny, and after that rate for a greater or leſſer quantity.

Duty upon foreign ſalt when to be paid. *Explained by 7 & 8 W. 3. c. 31. ſ. 43. but repealed as to home made ſalt, and additional duty on foreign ſalt, by 3. Geo. 2. c. 20. ſ. 1. Revived for 6 years by 18. Geo. 2. c. 5. theſe 6 months enlarged to 9 by 5 Annæ, c. 29. ſ. 5.*

IV. And be it further enacted by the authority aforeſaid, That the duty hereby ſet on all foreign and imported ſalt ſhall be from time to time ſatisfied and paid by the merchant or merchants, importer or importers of the ſame, in ready money, upon his or their entry or entries made, and before the landing thereof; and that in caſe any foreign or imported ſalt ſhall be landed or put on ſhore out of any ſhip or veſſel from beyond the ſeas, before due entry be made thereof with the collector or officer appointed or to be appointed for the ſaid duty on ſalt, in the port or place where the ſame ſhall be imported, or before the duty hereby impoſed be fully ſatisfied and paid, or without a warrant for the landing or delivering of ſuch imported ſalt firſt ſigned by the hand of the ſaid collector or officer for the ſaid duty on ſalt in the ſaid port and place reſpectively, that all ſuch imported ſalt, as ſhall be landed, put on ſhore, or delivered, contrary to the true intent and meaning hereof, or the value thereof, ſhall be forfeited and loſt, and ſhall be recovered of the importer or proprietor thereof, in manner as is herein after provided: nevertheleſs, that all and every perſon importing any ſalt into this kingdom, for which the aforeſaid duty is payable by this act, ſhall have ſix months time for the payment thereof from the time of the importation, giving ſecurity to the perſon appointed to collect the ſame: and in caſe ſuch importer ſhall pay ready money, he ſhall have after the rate of ten *per centum per annum* out of the ſaid duty abated him.

Managers of this duty.

V. And be it further enacted by the authority aforeſaid, That the ſaid duties on ſalt ſhall from time to time be within the receipt, management, and government of the chief commiſſioners and governors of the receipt of exciſe for the time being, and that all collectors and other officers neceſſary for the aſcertaining, collecting, or receiving of the ſaid duty upon ſalt, ſhall be conſtituted and appointed under the hands and ſeals of the ſaid commiſſioners and governors of the receipt of exciſe for the time being, or the major part of them; and that all penalties and forfeitures by this act impoſed ſhall be ſued for, recovered, levied, and received, or mitigated, by the ſame means, rules, ways, and methods, as any penalty or forfeiture is to be ſued for or recoverable, or is mentioned, expreſſed, or directed to be recovered, in and by one act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards, and liveries, and tenures* in capite, *and by knights ſervice, and purveyance, and ſettling a revenue on his Majeſty in lieu thereof*, or by any other law or ſtatute now in force relating to the revenue of exciſe; and that as fully and amply to all intents, as if the ſeveral clauſes in the ſaid acts, or any of them, contained, were herein re-enacted or repeated.

Recovery of penalties, &c.

12 Car. 2. c. 24.

Entries of the quantities.

VI. And be it enacted, That all makers and proprietors of ſalt, and rock-ſalt, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, ſhall from time to time

time make true entries with the ſaid officers ſo to be appointed as aforeſaid, ſome or one of them, of the quantities of ſalt ſo by them made, or taken out of any pit or pits, and delivered or imported as aforeſaid, and ſhall likewiſe have a warrant or ticket, under the hand and ſeal of ſome one of the ſaid officers, impowering ſuch maker or proprietor of ſalt to carry away the ſame, before ſuch time as the ſaid ſalt made or taken out of any pit or pits, within any the places aforeſaid, or any part thereof, ſhall be removed or carried from the reſpective ſalt-works or pits, under the ſeveral penalties and forfeitures herein after mentioned, which ſaid warrant the ſaid officers are hereby required to give *gratis* unto the ſaid makers or proprietors of ſuch ſalt, upon payment, or giving ſecurity for the payment, of the duties hereby granted, within ſix months after ſuch entry made; which ſecurity the ſaid commiſſioners and officers are hereby authorized and required to accept upon ſuch entry as aforeſaid. Provided always, That if any perſon or perſons, at the time of the entry and delivery of his or their ſalt, ſhall pay down the duty hereby impoſed, ſuch perſon or perſons ſhall be allowed at the rate of ten pounds *per centum per annum* for the ſame.

Officers warrant to remove ſalt.

Rebate on prompt payment.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid officers, ſo appointed, to ſeize all ſuch ſalt, which ſhall from and after the ſaid five and twentieth day of *March* be conveying or conveyed, by day or by night, either by land or by water, before due entry be made of ſuch ſalt, without warrant, ticket, or licence obtained from the commiſſioners of the duties granted by this act, their collectors or officers, or ſome or one of them as aforeſaid, for the conveying or carrying the ſaid ſalt: and the ſalt that ſhall be ſo ſeized ſhall be brought to the office appointed for theſe duties, next adjoining to the place where ſuch ſalt ſhall be ſo ſeized, there to be detained and kept; and in caſe the ſalt ſo ſeized ſhall not be claimed by the true and lawful owner thereof, or by one deputed under his or their hand, within ten days after ſeizure, the ſaid ſalt ſhall be abſolutely forfeited to their Majeſties, and ſhall be ſold the next general day of ſale, to be appointed by the commiſſioners, or their officers reſpectively, after the ſaid days are expired; the one moiety or half part of the proceed thereof (all neceſſary charges being firſt deducted out of the whole) to be paid to the uſe of their Majeſties, and the other moiety or half-part to be paid to the party or parties who ſeized the ſame: and in caſe ſuch ſalt ſo ſeized ſhall be claimed within ten days, by the true and lawful owner thereof, or by one deputed thereunto under his hand, and if the ſaid owner or claimer ſhall nevertheleſs neglect, or refuſe to make it appear before the next juſtice of peace of the county where ſuch ſeizure ſhall be made, by the oath of one or more credible witneſſes (which oath the ſaid juſtice is hereby impowered to adminiſter) that the ſaid ſalt ſo ſeized was or had been duly entred, and a warrant, ticket, or licence obtained, for the carrying and conveying the ſame as aforeſaid, that then the ſaid ſalt ſhall likewiſe be forfeited to their Majeſties, to be ſold and diſpoſed of as aforeſaid; and every perſon who ſhall carry or convey,

Penalty for conveying ſalt without warrant.

Further penalty by 2 & 3 Anne, c. 14. ſ. 8.

convey, or cauſe any ſalt to be carried and conveyed, before due entry made, and warrant or licence obtained as aforeſaid, ſhall likewiſe forfeit to their Majeſties double the value of ſuch ſalt ſo carried or conveyed.

Retailer not to convey ſalt by water, before oath.

VIII. And be it further enacted, That no retailer or ſhopkeeper ſhall be permitted to ſhip any ſalt to be ſent to any port within this kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, before he hath made it appear by oath, or otherwiſe before the commiſſioners for collecting of the ſaid duties granted by this act, or their officers, or ſome, or one of them, that the duty of ſuch ſalt is paid, or ſecured to be paid, or that it was bought of ſome other retailer or ſhopkeeper that hath paid the duty.

Maſter of veſſel how to act.

IX. And be it further enacted, That all and every maſter and commander of any ſhip or veſſel whatſoever, that from and after the ſaid five and twentieth day of *March* ſhall tranſport or carry any ſalt, or rock-ſalt, from one port to another, within this kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, ſhall (before he or they have any warrant for the landing or delivering of ſuch ſalt, by him tranſported and carried on ſhore in any port) deliver to the officers for collecting the ſaid duties granted by this act, in the ſaid port appointed to receive the ſame, a true particular of the quantity ſo tranſported and carried as aforeſaid, ſigned by the officers for collecting the ſaid duties granted by this act, and by the officers of the cuſtoms of the port from whence the ſaid ſhip or veſſel came; and that then the maſter or his mate, or the boatſwain of ſuch ſhip or veſſel, ſhall make oath before the commiſſioners for collecting the ſaid duties granted by this act, or their officers, ſome, or one of them, that to his knowledge there hath not been laid on board, or taken into the ſaid ſhip or veſſel, any ſalt, ſince he or they came from ſuch port as aforeſaid; and in caſe ſuch ſhip or veſſel be to deliver one part of her ſalt at one port, and another part at another port or ports, that then the officers for collecting the ſaid duties, and officers of the cuſtoms, when ſuch part of the ſaid ſalt ſhall be delivered, ſhall certify on the backſide of the cocquet, *tranſire*, or other warrant, or elſe by certificate alone, under the hands and ſeals of the officers, how much, and what quantity of the ſalt mentioned in the cocquet, *tranſire*, or other warrant, from the port from whence ſuch ſhip or veſſel came, hath been there landed and delivered, upon the penalty of forfeiting double the value of the ſalt that ſhall be otherwiſe delivered. And be it further enacted, That no fee or reward be had or taken for making, iſſuing, or granting any of the tickets, warrants, or licences herein before mentioned, but that the ſame be made, iſſued, and granted *gratis*.

The ſe proviſions are enlarged by 5 Geo. 1. *c.* 18. *ſ.* 25. *and extended to boats and barges carrying ſalt from rivers, &c.*

Ticket to be given *gratis*.

Reward to exporter of certain fiſh.

X. Provided always, and be it enacted by the authority aforeſaid, That for all ſuch fiſh, hereafter mentioned, as ſhall be exported, during the continuance of the duty upon ſalt by this act impoſed, from any port or place in this kingdom, dominion of *Wales*, or town of *Berwick* upon *Tweed*, into parts beyond the ſeas,

ſeas, by any perſon or perſons whatſoever, the rates or ſums of money hereafter expreſſed (that is to ſay) for every caſk or veſſel of pilchards or ſcads, containing fifty gallons, twelve ſhillings, and ſo proportionably for a greater or leſſer quantity: for every barrel of white herrings two ſhillings and ſix pence; for every barrel of red herrings two ſhillings: for every barrel of ſalmon five ſhillings: for every hundred of cod-fiſh, ling, conger, or hake, fifteen ſhillings, and ſo proportionably for a greater or ſmaller number or quantity, ſhall be paid by the officer appointed to collect the duties upon ſalt payable by this act, in the ſame port from whence any ſuch fiſh ſhall be exported, within thirty days after demand thereof, on a debenture, to be prepared by the collector of the cuſtoms in the port where ſuch fiſh ſhall be entred out for exportation, and verified by the perſon executing the office of ſearcher in ſuch port, as to the quantity of fiſh actually ſhipped; and that the oath of the exporter or agent be firſt taken before the principal officers of the ſaid port, before the debenture be allowed, who are hereby required and impowered to give the ſaid oath, that the fiſh in ſuch debenture mentioned were *Engliſh* taken, and really exported to parts beyond the ſeas, and not intended to be relanded in *England*, *Wales*, or *Berwick*; for which debenture no fee or reward ſhall be taken. And in caſe the officer hereby directed to pay ſuch debenture, ſhall not have ſufficient money in his hands to pay the ſame, then, upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*) the principal commiſſioners for managing their Majeſties revenue of exciſe for the time being ſhall be chargeable with the ſaid payment, to be made in courſe out of the firſt money in their hands ariſing out of the ſaid duties upon ſalt; and any officer neglecting or refuſing to pay the ſaid money, or to give ſuch certificate as is here directed, ſhall forfeit double the ſum ſo to be paid to the party grieved, to be recovered by action of debt, bill, plaint, or information, wherein no eſſoin, protection, or wager of law ſhall be allowed.

how to be paid

XI. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall export beyond the ſeas any ſalt, as well foreign as *Engliſh*, or any rock-ſalt, the officer of the place where the ſaid ſalt was made, taken out of pits, or imported, and the duty thereof paid or ſecured to be paid, ſhall upon demand deliver *gratis* a certificate under his hand and ſeal, that the duty impoſed by this act on ſuch ſalt hath been duly paid or ſecured to be paid, and then the officer of the place where the ſalt is exported, upon producing the ſaid certificate, and oath made of ſhipping off the ſaid ſalt, and of its not being relanded in *England* or *Wales*, ſhall give a debenture under his hand for repayment of the ſaid duty, which being produced to the officer of the place where the duty on the ſaid ſalt ſhall have been paid, or ſecured to be paid, ſuch ſecurity ſhall be diſcharged; and all and every ſum and ſums of money paid for the duty of the ſaid ſalt ſhall be repaid upon demand by the ſaid officer, without fee or reward.

Duty repaid upon exportation. *The benefit hereof extended to Scotland, the Iſle of Man, Jerſey, and Guernſey, by* 2 & 3 Annæ, c. 14 ſ. 9

XII. And

Juſtices ſhall ſet the rate of ſalt.

XII. And be it further enacted, That the juſtices of the peace not concerned in making or ſelling ſalt, in every county, riding, or diviſion of *England*, ſhall, and are hereby authorized and impowered at every *Eaſter* and *Michaelmas* quarter ſeſſions, to ſet the prices of all ſalt and rock ſalt, to be ſold by the maker or firſt ſeller thereof in the ſaid county, for the half year next enſuing, and that no perſon or perſons, that ſhall be the maker or firſt ſeller of any ſalt, ſhall ſell the ſame for more than the prices ſo ſet by the ſaid juſtices as aforeſaid, over and above the duty payable by virtue of this act, upon pain of forfeiting for every ſuch offence five pounds, and double the value of the ſalt ſo ſold, to be levied by diſtreſs and ſale of the offender's goods; the one moiety thereof to be paid to their Majeſties, their heirs and ſucceſſors, and the other moiety thereof to the informer.

Penalty for ſelling above the price.

What ſhall be deemed foreign ſalt imported.

XIII. And be it enacted and declared, That all ſalt imported or brought by ſea or land, into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and not of the product of any of the ſaid places, ſhall be adjudged and deemed to be foreign ſalt imported, and ſhall be charged as ſuch with the duty of three pence *per* gallon by this act granted, and that all *Scotch* ſalt brought into *England* by land ſhall be entred at *Carliſle* or *Berwick*, with the officer or officers for that purpoſe there to be appointed, under the penalty of the forfeiture of double the value of ſuch ſalt ſo brought in.

Oaths to be taken by commiſſioners and under officers. 1 W & M. ſ. 1. c. 8.

XIV. And be it enacted by the authority aforeſaid, That no perſon or perſons ſhall be capable of acting as chief commiſſioner for collecting the ſaid duties granted by this act, until he or they ſhall, before one of the barons of the *Exchequer*, take the oaths appointed by an act of parliament made in the firſt year of their Majeſties reign, intituled, *An act for the abrogating the oaths of ſupremacy and allegiance*, and appointing other oaths, and the oath following:

YOU *ſhall ſwear to execute your office truly and faithfully without favour or affection, and ſhall from time to time true account make and deliver to ſuch perſon and perſons as their Majeſties ſhall appoint to receive the ſame, and ſhall take no fee or reward for the execution of the ſaid office from any other perſon than from their Majeſties, or thoſe whom their Majeſties ſhall appoint on that behalf:*

So help you God, *&c.*

XV. And be it likewiſe enacted, That no perſon or perſons ſhall be capable of intermeddling with any office or employment relating to the ſaid duties granted by this act, other than that of chief commiſſioner, until he or they ſhall (before two or more of the chief commiſſioners for collecting the duties granted by this act, or before two or more of the juſtices of the peace of the county or place where they ſhall be appointed officers for execution of this act) take the aforeſaid oaths appointed by the ſaid act, and the ſaid other laſt mentioned oath, *mutatis mutandis*; and the

the ſaid barons of the *Exchequer*, and chief commiſſioners for collecting the ſaid duties granted by this act, and the ſaid juſtices, are hereby impowered and required to adminiſter the ſaid oaths.

Perſons ſued for executing this act may plead general iſſue, and have double coſts.

XVI. Provided always, and be it enacted, That if any perſon or perſons ſhall at any time be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, he or they ſhall or may plead the general iſſue, and give this act in evidence for his defence; and if upon trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs be nonſuit, diſcontinue, or forbear proſecuting the ſaid actions, then ſuch defendant or defendants ſhall have double coſts to him or them awarded againſt ſuch plaintiff or plaintiffs; for which coſts he ſhall have ſuch remedy as in other caſes where coſts are by law given to defendants.

No *Certiorari* upon orders.

XVII. Provided alſo, and be it enacted, That no writ or writs of *Certiorari* ſhall ſuperſede execution or other proceedings upon any order or orders made by the ſaid chief commiſſioners or juſtices of peace in purſuance of this act, but that execution and other proceedings ſhall and may be had and made thereupon, any ſuch writ or writs, or allowance thereof notwithſtanding.

Meaſure ſettled. 7 & 8 W. 3. c. 31. ſ. 44.

XVIII. Provided always, and be it further enacted, for the aſcertaining of all meaſures where the ſaid duties are to be paid, That all ſalt be meaſured by a buſhel of eight gallons *Wincheſter* meaſure, and by fit meaſurers living upon the place where the ſalt is made, to be ſworn and admitted by ſome juſtice of peace near adjoining, without charge or fee, upon forfeiture of double the value of the ſalt that ſhall not be ſo meaſured.

Penalty for removing without notice.

XIX. And be it enacted, That no ſalt ſhall be delivered from any ſalt works or pits without notice firſt given to the officer appointed for that purpoſe, upon pain of forfeiture of the ſalt ſo delivered, and upon pain of twenty pounds to be forfeited by the owner or owners of the ſalt works or pits where ſuch ſalts ſhall be ſo delivered; the moiety of which forfeitures to be to the uſe of the proſecutors, and the other moiety to the uſe of their Majeſties.

Penalty for relanding.

XX. And be it further enacted by the authority aforeſaid, That if any of the ſalt, for which the duty ſhall have been repaid and diſcharged upon the exportation thereof, as is herein before directed, ſhall (by fraud or otherwiſe) be landed in *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, before the duty be again paid, and ſuch entry and all other things performed, as are herein before required in caſe where any foreign ſalt is imported, every perſon ſo offending ſhall forfeit double the value of ſuch ſalt ſo landed, and ſuch other penalties and forfeitures as are herein inflicted upon any perſon who ſhall land any foreign ſalt contrary to the true intent and meaning of this act.

Proviſion for perſons loſing ſalt at ſea.

XXI. And be it further enacted by the authority aforeſaid, That if any merchant or other perſon, being a ſubject of this

this realm of *England*, ſhall during the continuance of this act, ſhip any ſalt or rock ſalt that hath paid the duty to their Majeſties by this act impoſed, to convey it by ſea to any part of *England*, and the veſſel on which ſuch ſalt as aforeſaid is ſhipt, ſhall either periſh at ſea, or be taken by enemies, with ſuch ſalt on board her, that in ſuch caſe any merchant, or perſon, owner of the ſaid ſalt, ſhall, upon proof made before the juſtices of the peace at the quarter ſeſſions held for the county, riding, diviſion, or town wherein he doth inhabit, of the loſs of ſuch ſalt ſo ſhipt, receive from the ſaid ſeſſions a certificate that ſuch proof was made before them, and upon producing the ſaid certificate to any of their Majeſties officers appointed to collect the duty by this act impoſed, the ſaid officer or officers are hereby required to let ſuch perſons buy the like quantity of ſalt, as is expreſſed in the certificate to be loſt, without paying to their Majeſties any duty or exciſe for the ſame; any thing in this act contained to the contrary notwithſtanding.

Owner not to pay exciſe till ſalt be ſold.

XXII. Provided alſo, and be it enacted, That it ſhall and may be lawful for the owners and proprietors of any ſalt rock, or rock ſalt, to remove and carry out of and from the pits or warehouſes adjoining to or belonging to ſuch pits, into his or their warehouſes, or other places for ſtoring thereof, for conveniency of ſelling or ſhipping off the ſame, any of the ſaid ſalt rock or rock ſalt, after due entry made thereof, and a warrant or ticket taken for the ſame, from the officer next to ſuch ſalt pits, which warrant or ticket the ſaid officer is hereby required, upon demand, to give without fee or reward as aforeſaid; and that the ſaid owners or proprietors ſhall not be obliged to pay or ſecure the payment of the ſaid duty, until ſuch time as the ſaid ſalt rock or rock ſalt ſhall be ſold and delivered as aforeſaid.

Contracts heretofore made.

XXIII. And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall be obliged, by virtue of any contract made at any time before the firſt day of *December*, one thouſand ſix hundred ninety three, to deliver any ſalt or rock ſalt, unleſs the perſon who is to receive the ſame, ſhall, before or at the time for delivery of the ſame by ſuch contract, pay to the ſeller thereof ſuch ſum or ſums as he ſhall have paid or ſecured to pay for the duty for the ſame by virtue of this act.

Cheſter ſalts to be entred by weight.

XXIV. *And whereas ſalt made at the preſent ſalt works in the county palatine of* Cheſter, *when taken from the pans, is put into walms, baſkets, or veſſels, and muſt be carried by the maker ſome miles diſtant from the works before he can deliver the ſame to the merchant or firſt buyer, ſo that to break and meaſure the ſalt at the ſaid ſalt works would be great loſs to the makers thereof*; be it therefore enacted, That all ſalt made at the ſaid ſalt works in the ſaid county ſhall be entred by weight only, and that fifty ſix pounds weight thereof ſhall be deemed and taken to be a *Wincheſter* buſhel of eight gallons *Wincheſter* meaſure, and ſhall be entred, rated, and taxed accordingly.

XXV. *And*

XXV. *And whereas ſalt rock or rock ſalt taken out of pits is in ſuch great lumps that it cannot be meaſured without breaking the ſame to powder, which would be great loſs to the proprietors thereof*; be it therefore enacted, That all ſalt rock or rock ſalt taken out of pits ſhall be entred by weight only, and that ſix ſcore pounds weight thereof ſhall be deemed and taken to be a *Wincheſter* buſhel of eight gallons *Wincheſter* meaſure, and ſhall be entred, rated and taxed accordingly. Salt rock by weight. *Altered by* 10 & 11 W. 3. c. 22. l. 2.

XXVI. And to the intent that ſalt made by melting and refining of rock ſalt may not, contrary to the true intent and meaning of this act, be charged more than other *Engliſh* ſalt, be it further enacted by the authority aforeſaid, That where any ſuch rock ſalt ſhall be melted and refined, which had before paid the duty impoſed by this act, according to the direction of the ſame, the perſon who ſhall make ſuch ſalt by refining ſhall receive an allowance and abatement of duty on the ſalt by him ſo made, after the rate and proportion of twelve pence for every buſhel of ſuch rock ſalt ſo melted and refined, which had paid the duty as aforeſaid; oath being firſt made before ſome juſtice of the peace near adjoining to ſuch ſalt works of the particular quantities of the ſaid rock ſalt ſo by him employed in making the ſaid ſalt by refining, which oath the ſaid juſtice of the peace is hereby impowered to adminiſter, and upon due proof by oath, or otherwiſe, made of the payment of the duty impoſed by this act. Allowance to refiner.

XXVII. *And whereas by an act of parliament made in the ſecond year of their Majeſties reign, intituled,* An act for granting to their Majeſties ſeveral additional duties upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year, doth expire, *it was enacted from and after the ſeventeenth day of* November, *in the year of our Lord one thouſand ſix hundred ninety one, there ſhould be throughout their Majeſties kingdom of* England, *dominion of* Wales, *and town of* Berwick *upon* Tweed, *raiſed, levied, collected, and paid unto their Majeſties, and their ſucceſſors, during the ſpace and term of four years, and no longer, for beer, ale, cyder and other liquors therein mentioned, by way of exciſe, over and above all other duties, charges, and impoſitions, by any former act or acts, which ſhould be then unexpired, ſet and impoſed, in ſuch manner as therein is mentioned:* Be it further enacted, That for the further encouragement of ſuch perſons who ſhall voluntarily contribute as aforeſaid, towards the raiſing and paying into their Majeſties *Exchequer*, any ſum or ſums not exceeding in the whole the ſum of ten hundred thouſand pounds, upon the ſeveral terms and recompences herein after mentioned, that from and after the ſeventeenth day of *May*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſeven, there ſhall be throughout their Majeſties kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, during the ſpace and term of ſixteen years, and 2 W. & M. ſeſſ. 2. c. 10. Additional exciſe upon beer, &c. for 16 years. *Theſe duties are expired, and others granted.*

Exciſe for 3 laſt years to be diſpoſed according to act of parliament. 5 & 6 W. & M. c. 20.

and no longer, for beer, ale, cyder, and other liquors herein after expreſſed, by way of exciſe, over and above all duties, charges, and impoſitions, by any former act or acts then unexpired, ſet, and impoſed, one moiety or half part of the ſeveral rates and duties of exciſe granted by the ſaid laſt mentioned act, in manner and form following: (that is to ſay)

Beer, &c. above 6 s.

(1) For every barrel of beer or ale above ſix ſhillings the barrel, excluſive of the duty of exciſe, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, nine pence.

Beer, &c. under 6 s.

(2) For every barrel of beer or ale of ſix ſhillings the barrel or under, brewed by the common brewer, or any other perſon or perſons who ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively as aforeſaid, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, three pence.

Vinegar Engliſh.

(3) For every barrel of vinegar or vinegar beer, brewed or made of any *Engliſh* materials, by any common brewer, or any other perſon, for ſale, to be paid by the maker thereof, and ſo proportionably for a greater or leſſer quantity, over and above the duties of exciſe payable for the ſame, one ſhilling ſix pence.

Vinegar foreign.

(4) For every barrel of vinegar, or liquor prepared for vinegar, made here, that hath run through rape, or made with or paſſing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof and ſo proportionably for a greater or leſſer quantity, four ſhillings.

Vinegar made for pickles for ſale liable to duties by 8 Annæ, c. 7. ſ. 4.

(5) For every barrel of beer, ale, or mum, imported from beyond the ſeas, or from the iſlands of *Guernſey* or *Jerſey*, and ſo proportionably for a greater or leſſer quantity, to be paid by the importers before landing, over and above the duties payable for the ſame, three ſhillings.

Beer, &c. imported.

Cyder, &c. imported.

(6) For every tun of cyder, or perry, imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importer before landing, over and above the duties payable for the ſame four pounds.

Brandy ſingle.

(7) For every gallon of ſingle brandy, ſpirits, or *aqua vitæ*, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties payable for the ſame, two ſhillings.

Brandy double.

(8) For every gallon of brandy, ſpirits, or *aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the ſeas, to be paid by the importer before landing, over and above the duties payable for the ſame, four ſhillings.

Cyder, &c. by retail.

(9) For all cyder and perry made and ſold by retail, upon every hogſhead, to be paid by the retailer thereof, over and above the duties payable for the ſame, and ſo proportionably for a greater or leſſer meaſure, one ſhilling three pence.

Metheglin, &c.

(10) For all metheglin or mead made for ſale, whether by retail or otherwiſe, to be paid by the maker, for every gallon, three pence.

XXVIII.

XXVIII. And be it enacted by the authority aforeſaid, That the ſaid ſeveral rates, duties, and impoſitions upon beer, ale, cyder, and other liquors aforeſaid, be levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, during the ſaid ſpace and term of ſixteen years, in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned in the act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*; and alſo in and by another act made in the twelfth year of the reign of the ſaid late King *Charles* the Second, intituled, *A grant of certain impoſitions upon beer, ale, and other liquors, for the increaſe of his Majeſty's revenue during his life*; and alſo in and by another act made in the fifteenth year of the reign of the ſaid late King *Charles* the Second, intituled, *An additional act, for the better ordering and collecting the duties of exciſe, and preventing the abuſes therein*; or by any other law in force relating to the ſaid revenue of exciſe; and that the aforeſaid acts, and every article, rule, and clauſe therein mentioned, as for and concerning only the rates, duties, and impoſitions upon beer, ale, and other liquors by this act granted, ſhall be of full force and effect, to all intents and purpoſes, during the ſaid term of ſixteen years, in like manner as if the ſame were at large and particularly recited and ſet down in the body of this act; and that the ſaid rates and duties of exciſe, and the other duties upon ſalt by this act granted, ſhall from time to time be within the receipt and government of the chief commiſſioners and governors of the receipt of the exciſe for the time being. Recovery of duties. 12 Car. 2. c. 24. 12 Car. 2. c. 23. 15 Car. 2. c. 11.

XXIX. And be it enacted by the authority aforeſaid, That the ſaid commiſſioners and governors for management and receipt of the exciſe, at the head office in *London* for the time being, ſhall ſeparate and keep apart all and every the monies raiſed by the rates and duties of exciſe, and other duties upon ſalt hereby granted, as the ſame ſhall from time to time ariſe, or be paid into the ſaid office of exciſe, by the receivers or collectors of the ſame, or by any other perſon whatſoever. And the ſaid commiſſioners and governors of exciſe for the time being are hereby required and ſtrictly enjoined, from time to time, to pay weekly (*viz.*) on *Wedneſday* in every week, if it be not a holiday, and if it be, then the next day after that is not a holiday, all and every the monies ariſing by the rates and duties of exciſe, and other duties hereby granted, into the receipt of their Majeſties *Exchequer*, diſtinct and apart from the other monies which the ſaid commiſſioners and governors of exciſe ſhall receive for the uſe of their Majeſties, their heirs, and ſucceſſors. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties *Exchequer*, that is to ſay, in the office of the auditor of the receipts, one book in which all the ſaid weekly monies, which ſhall be paid into Money to be kept apart, paid in weekly, and regiſtred.

Account of the payments to be kept ſeparate.

to the *Exchequer* as aforeſaid, ſhall be entred apart and diſtinct from all other monies paid or payable to their Majeſties, their heirs and ſucceſſors, upon any account whatſoever.

Penalty upon officers.

XXX. And be it further enacted, That if the ſaid commiſſioners and governors of exciſe, for the time being, ſhall refuſe or neglect to pay into the *Exchequer* all or any the ſaid weekly ſums appointed to be paid as aforeſaid, in ſuch manner as they are before by this act required to do, or ſhall divert or miſapply any of the ſame, then they, for every ſuch offence ſhall forfeit their offices of commiſſioners and governors for the management and receipt of the exciſe, and be incapable of any office or place of truſt whatſoever, and ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied, to any perſon or perſons, who will ſue for the ſame, by any action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, ſhall be granted or allowed.

To be a yearly fund.

XXXI. And be it further enacted, That all the ſaid ſums ſo as aforeſaid appointed to be paid weekly into the receipt of the *Exchequer*, during the ſaid term of ſixteen years, ſhall be the yearly fund for the ſeveral and reſpective purpoſes herein after mentioned and expreſſed. Provided always, and be it enacted,

Salaries of officers.

That it ſhall and may be lawful to and for their Majeſties, their heirs and ſucceſſors, out of the ſaid duties ariſing upon ſalt, to cauſe ſuch ſum and ſums of money to be expended and paid from time to time for ſalaries, or other incident charges, as ſhall be neceſſary in and for the receiving, collecting, levying or managing of the ſame duties upon ſalt, during the ſaid term therein by this act granted; any thing in this act contained to the contrary notwithſtanding.

Exciſe office, &c. continued.

XXXII. And be it further enacted by the authority aforeſaid, That the head office of exciſe, which is now eſtabliſhed within the city of *London*, ſhall be continued and be within the ſaid city, or ten miles thereof, and a ſufficient number of commiſſioners therein, from time to time, ſhall be continued or appointed by their Majeſties, their heirs and ſucceſſors, to govern and manage the receipt of exciſe, and to perform and execute the ſeveral matters and things hereby enjoined to be done and executed by ſuch commiſſioners, until the ſame ſhall be fully performed and complied with, according to the true intent and meaning of this act; and that in like manner there ſhall be continued and be within the ſaid city, or ten miles thereof, by the appointment of their Majeſties, their heirs and ſucceſſors, a comptroller of exciſe, until ſuch time as all matters and things, which by this act ſuch comptroller is enjoined to do and perform, ſhall be fully performed and accompliſhed; which ſaid comptroller for the time being is hereby alſo required and commanded to keep a perfect and diſtinct account in books fairly written of all the monies which ſhall ariſe by the ſaid duties upon

on ſalt, and the ſaid duties of exciſe by this act granted, as the ſame reſpectively ſhall from time to time ariſe, come, or be brought into the ſaid office of exciſe; to which books all perſons concerned ſhall have free acceſs at all ſeaſonable times, without fee or charge; and that the ſaid commiſſioners or comptroller ſhall execute their reſpective offices, in the performance of all things enjoined by this act, without any other ſalary, fee or reward, than what they now have or enjoy.

Accounts of ſalt, and exciſe to be kept apart.

XXXIII. And be it further enacted by the authority aforeſaid, That yearly and every year, reckoning the firſt year to begin from the ſaid five and twentieth day of *March* one thouſand ſix hundred ninety four, the full ſum of one hundred and forty thouſand pounds, by or out of the monies to ariſe by the ſaid duties upon ſalt, and by the ſaid rates and duties of exciſe hereby granted, or either of them, and to be brought into the receipt of the *Exchequer* by weekly payments as aforeſaid, in caſe the ſaid weekly payments ſhall extend thereunto, ſhall be the whole and intire yearly fund: And in caſe the ſaid weekly payments ſhall not amount to one hundred and forty thouſand pounds *per annum*, then the ſaid weekly monies or payments, ſo far as the ſame will extend, ſhall be part of the yearly fund for and towards the anſwering or paying of the annuities herein after mentioned, and for other the purpoſes hereafter in this act expreſſed. And in caſe the ſaid duties upon ſalt, and the ſaid rates and duties of exciſe by this act granted, or either of them, ſhall at any time or times appear to be ſo deficient or low, in the produce of the ſame, as that within any one year to be reckoned as aforeſaid, the weekly payments upon the ſame rates or duties, or any of them, ſhall not amount to ſo much as one hundred and forty thouſand pounds, or to ſo much as ſhall be ſufficient to diſcharge and ſatisfy the ſaid annuities, and other benefits and advantages by this act appointed or intended to be paid within or for the ſame year reſpectively; that then and ſo often, and in every ſuch caſe, the commiſſioners of their Majeſties treaſury, and the under treaſurer of the *Exchequer* now being, and the treaſurer and under treaſurer of the *Exchequer*, or commiſſioners of the treaſury for the time being, are hereby ſtrictly enjoined and required by virtue of this act, and without any further or other warrant, to be ſued for, had or obtained from their Majeſties, their heirs or ſucceſſors, in this behalf, to cauſe every ſuch deficiency to be made good, by applying and iſſuing, or paying ſo much of any treaſure or revenue, belonging or to belong to their Majeſties, their heirs or ſucceſſors (not being appropriated to any particular uſe or uſes, by any act or acts of parliament) towards the diſcharging or paying off the ſaid annuities, or other benefits or advantages appointed to be paid by this act, as together with the monies which ſhall have been brought into the ſaid receipt, of or for the ſaid rates or duties upon ſalt, and the ſaid rates and duties of exciſe as aforeſaid, ſhall be ſufficient to pay off and diſcharge, and ſhall completely pay off and diſcharge all the monies which within the ſame year

140,000 l. a yearly fund.

The King's revenue chargeable, if theſe duties fall ſhort.

reſpectively ſhall be grown due, or ought to be paid upon the ſaid annuities, or other benefits or advantages, according to the true intent and meaning of this preſent act.

Natives or aliens may advance 10l. &c.

XXXIV. And be it further enacted, That it ſhall and may be lawful for any perſon or perſons, natives or foreigners, to contribute towards advancing the ſum of ten hundred thouſand pounds for carrying on of the ſaid war, by paying at or before the tenth day of *September*, one thouſand ſix hundred ninety four, to any receiver or receivers, to be appointed for that purpoſe, as is herein after mentioned, the ſum of ten pounds or divers intire ſums of ten pounds upon this act; and that for the raiſing the ſaid ſum of ten hundred thouſand pounds, any perſon who will become an adventurer, ſhall and may advance the ſum of ten pounds, for which ſum ſo advanced he, ſhe or they, for ſixteen years, ſhall be intitled to receive a ſhare or dividend of the ſaid yearly fund, as hereafter is expreſſed; and that every adventurer may advance as many intire ſums of ten pounds, as he, ſhe or they ſhall think fit; and for every ſuch ſum of ten pounds ſo advanced, he, ſhe or they is or are to be intereſted in one lot or ſhare in the ſaid yearly fund. *From ſection* 34 *to* 49. *concerning the lottery, managers, &c. is expired.*

Money lent on this act, tax free.

XLIX. And be it further enacted, That any money contributed or lent by, or payable to, any perſon or perſons, upon or by virtue of this act, ſhall not be charged or chargeable with any rates, duties or impoſitions whatſoever.

Grants made by the King void.

L. Provided always, and it is hereby further declared and enacted by the authority aforeſaid, That all grants or diſpoſitions of any of the monies ariſing, or which ſhall be collected, by the authority of this act, hereafter to be made by their Majeſties, their heirs or ſucceſſors, to any other perſon or perſons, or in any other manner, or for any longer term or intereſt than by this act is appointed, ſhall be and are hereby declared null and void to all intents and purpoſes whatſoever.

A particular officer appointed by the treaſury in the Exchequer for payment of theſe annuities, who ſhall be ſubject to the rules of the treaſury.

LI. *And whereas by reaſon of the multiplicity of payments, which are to be made in purſuance of this act, it will be difficult (if not impoſſible) that every particular payment ſhould be directed, recorded, paid and accounted for by the ſeveral officers of the receipt of the* Exchequer, *in the ordinary courſe of payments there uſed*; therefore and to the end that the *Exchequer* may be regularly diſcharged of all the monies of the ſeveral rates and duties before mentioned, which ſhall be brought into the ſame for the ſaid fund; be it enacted by the authority aforeſaid, That there ſhall be in the ſaid receipt of the *Exchequer* a diſtinct office for paying the annuities or benefits by this act appointed to be paid, and ſome convenient room or rooms, in or near the receipt of the *Exchequer* at *Weſtminſter*, ſhall be prepared, aſſigned and uſed for that purpoſe; which office ſhall continue until all the payments to grow due by this act, during the ſaid term of ſixteen years, ſhall be ſatisfied; and an officer or officers ſhall be appointed thereunto from time to time by the commiſſioners of their Ma-

jeſties

jeſties treaſury now being, or by the treaſurer of the *Exchequer*, or commiſſioners of the treaſury for the time being, who ſhall alſo take ſecurity, according to the beſt of their judgments and diſcretions, from every or any ſuch officer or officers, for his or their due paying, anſwering and accounting for all the monies which he or they ſhall receive, and for the due and faithful performance of his or their office and offices reſpectively; and that the money of the fund by this act appointed, which ſhall from time to time come or be brought into the receipt of the *Exchequer* as aboveſaid, ſhall, by the commiſſioners of their Majeſties treaſury, and the under treaſurer of the *Exchequer* now being, or by the treaſurer or under treaſurer of the *Exchequer*, or commiſſioners of the treaſury for the time being, without any further or other warrant to be ſued for, had, or obtained from their Majeſties, their heirs, or ſucceſſors, and in ſuch proportions from time to time, as ſhall be neceſſary and ſufficient to anſwer the reſpective payments which ſhall grow due, and are to be made by the ſaid particular officer or officers, be iſſued or paid over, from time to time, to the hands of ſuch officer or officers, by way of impreſt, and upon account, to and for the payment of the ſaid annuities or benefits by this act appointed to be paid; and that ſuch particular officer and officers ſhall apply the ſame thereunto in ſuch manner and form as are above mentioned, and by this act directed in that behalf; and ſhall be ſubject and liable to ſuch inſpection, examination, comptrol, and audit, and to ſuch rules, in reſpect of his paying, accounting, and other matters relating to the execution of his office, as the ſaid commiſſioners of the treaſury now being, or the treaſurer and under treaſurer of the *Exchequer*, or the commiſſioners of the treaſury for the time being, ſhall think fit, or find neceſſary or reaſonable to eſtabliſh or appoint from time to time, for the better execution of the intent and end of this act, and the ſatisfaction of contributors, adventurers, or others concerned or to be concerned therein; any thing in this preſent act contained, or any law, cuſtom, uſage, or courſe of the *Exchequer* to the contrary notwithſtanding.

Transfer office to be ſubject to the orders of the treaſury.

LII. And it is enacted by the authority aforeſaid, That the transfer office above mentioned ſhall be continued for the purpoſes aforeſaid, by their Majeſties, their heirs and ſucceſſors, and an officer in the ſame, until all matters and things hereby required to be done by ſuch an officer ſhall be fully accompliſhed; and that as well the managers and directors above mentioned, as alſo the commiſſioner and officer of the transfer office, and the ſaid receivers, and the ſaid particular officer in the *Exchequer*, and all the clerks, miniſters, and ſervants, to be employed by or under them reſpectively, from time to time, ſhall, in and for the better execution of their ſeveral places and truſts, and for purſuing the directions, ends, or intents of this act, obſerve and perform ſuch rules, methods, and orders, as they reſpectively ſhall from time to time receive from the ſaid

commiſſioners of the treaſury now being, or from the treaſurer of the *Exchequer*, or commiſſioners of the treaſury for the time being, ſo as ſuch rules, methods, and orders, be conducible to the ends and purpoſes of this act, and not otherwiſe.

Borrowing clauſe, if 1,000,000 l. be not advanced before 24 June.

LIII. And be it enacted by the authority aforeſaid, That if the whole ſum of ten hundred thouſand pounds be not advanced and paid into the *Exchequer* upon this act, before the four and twentieth day of *June*, one thouſand ſix hundred ninety four; that then it ſhall and may be lawful for their Majeſties, or their officers in the receipt of their Majeſties *Exchequer*, by their command and appointment, to borrow and take into the ſaid receipt, for their Majeſties uſe, by way of loan, any ſum or ſums of money, which, together with the whole value or amount of all the ſums of money, which ſhall, before the ſaid four and twentieth day of *June*, be contributed or adventured as aforeſaid, ſhall not exceed the ſum of ten hundred thouſand pounds; which ſum or ſums, ſo taken up by way of loan, ſhall and may be charged upon the credit of their Majeſties *Exchequer* in general, and tallies of loan, and orders of repayment of the ſame ſhall be levied and drawn accordingly, which ſaid orders ſhall be aſſignable and transferrable from one perſon to another.

8 l. per cent. allowed for intereſt, and this fund, &c. chargeable for the payment of principal and intereſt.

LIV. And it is hereby enacted, That all and every ſum and ſums of money ſo to be borrowed, not exceeding as aforeſaid, together with the intereſt for the ſame, not exceeding the rate of eight pounds *per centum per annum*, to be paid every three months, until ſatisfaction of the principal, ſhall be payable and ſatisfied unto the reſpective lender or lenders of the ſame, his, her, or their executors, adminiſtrators, or aſſigns, out of the monies which ſhall afterwards ariſe and be brought into the *Exchequer*, by or for contributions upon this act, ſo far as the ſame will extend: And in caſe the monies ſo ariſing by this act ſhall not be ſufficient for the paying thereof, then the ſaid loans which ſhall remain unſatisfied, and the intereſt of the ſame, ſhall be paid and ſatisfied out of the next aids or ſupplies to be granted to their Majeſties in parliament, and ſhall be transferred and transferrable thereunto, as ſoon as any ſuch aid or ſupply ſhall be granted to their Majeſties; and if no ſuch aids or ſupplies ſhall be granted to their Majeſties before the ſecond day of *February*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety four, then the ſaid ſum and ſums of money ſo to be borrowed, not exceeding as aforeſaid, and the intereſt thereof, ſhall be payable and be paid and ſatisfied to the ſaid lender or lenders, his, her, or their executors, adminiſtrators, or aſſigns reſpectively, by and out of any of their Majeſties treaſure, which from thenceforth ſhall come into, be, or remain in the receipt of their Majeſties *Exchequer*, not being already appropriated to any particular uſes by any act or acts of parliament before this time made.

LV. And be it further enacted, That in caſe there ſhall be

be any ſurplus or remainder of the monies ariſing by the rates and duties granted by this act, at the end of any one year of the ſaid term of ſixteen years, after all the annuities or payments directed by this act ſhall be fully ſatisfied, paid, and diſcharged, ſuch ſurplus or remainder ſhall go and be applied for or towards the payment and ſatisfaction of ſuch principal and intereſt monies, which ſhall be or remain due upon the regiſter kept in the ſaid receipt of *Exchequer*, for the two third parts of the rates and duties of exciſe granted in the ſecond year of their Majeſties reign, intituled, *An act for granting to their Majeſties ſeveral additional duties of exciſe upon beer, ale, and other liquors for four years, from the time that an act for doubling the duty of exciſe upon beer, ale, and other liquors, during the ſpace of one year, doth expire*, and continued by clauſes in a ſubſequent act, intituled, *An act for raiſing money by a poll, payable quarterly for one year, for the carrying on a vigorous war againſt* France. And that ſuch ſurplus or remainder, together with the monies applicable by the two acts laſt mentioned, ſhall be iſſued and paid jointly and ſeverally, for and towards the diſcharging of the principal and intereſt monies which from time to time ſhall be or remain due and unpaid upon the ſaid regiſter, until the ſame ſhall be fully ſatisfied, and afterwards the monies, which ſhall further ariſe by the ſaid ſurplus or remainder, ſhall be to the uſe of their Majeſties, their heirs and ſucceſſors, for the carrying on the war againſt *France*. Provided always, That in caſe the whole ſum of ten hundred thouſand pounds be not advanced and paid into the *Exchequer*, by or for contributions upon this act, the ſurplus or remainder of the monies ariſing by the rates and duties hereby granted, more than is requiſite to pay the annuities or payments directed by this act, ſhall be diſpoſed as ſhall be hereafter directed by act of parliament; any thing in this act contained to the contrary thereof notwithſtandſtanding.

The annual ſurplus money how diſpoſed.

Surplus of exciſe of liquors to be diſpoſed according to 2 W. & M. ſ. 2. c. 10.

3 & 4 W. & M. c. 6.

Surplus appropriated to navy and army by 5 & 6 W. & M. c. 20. ſ. 41.

LVI. And be it further enacted by the authority aforeſaid, That ſuch receiver or receivers general, or other perſon or perſons, who is or ſhall be employed in the receiving, collecting, or paying, the ſeveral duties upon ſalt by this act granted, ſhall, and are hereby required, between the five and twentieth day of *March*, one thouſand ſix hundred ninety five, and the nine and twentieth day of *September* following, and ſo from year to year yearly, at thoſe times, during the continuance of this act, to deliver in their reſpective accounts thereof to their Majeſties auditors of the impreſt for the time being, or one of them, who ſhall, and are hereby from time to time reſpectively authorized to examine upon oath the ſaid receiver or receivers general, or other perſon or perſons, accomptants, which are or ſhall be employed in raiſing, receiving, and collecting the ſaid duties, of what ſum or ſums of money was or were by them or any of them reſpectively raiſed, collected, or received, within the time of ſuch their accounts, and likewiſe what part thereof was by them or any of them paid into their Majeſties receipt

Receivers to give an annual account to the auditors of the impreſt, to be declared before the treaſurer, &c.

of *Exchequer*, or by virtue of any warrant of privy ſeal, or warrant of the lord high treaſurer, or commiſſioners of their Majeſties treaſury for the time being, otherwiſe paid, and to whom, and for what ſervice or ſervices; and in making the ſaid accounts to and before the ſaid auditors, or one of them, they are to produce proper vouchers for every ſum or ſums of money ſo by them or any of them raiſed, received, and paid, according to the ancient methods of the *Exchequer*. And to the end it may appear upon record what the ſame amounted to in the year, for which ſuch account or accounts ſhall be made, and what thereof was paid, and to whom, and for what uſe and ſervice, uſes and ſervices, as aforeſaid, and what remains unpaid, and reſts *inſuper* upon each reſpective receiver and collector; and ſuch account or accounts, ſo to be taken by the ſaid auditor, is and are to be declared before the lord treaſurer, or lords commiſſioners of the treaſury, and chancellor of the *Exchequer* now and for the time being, according to the courſe of the *Exchequer* in ſuch caſes.

No members, except commiſſioners of treaſury and land tax, and T. Neale, to be farmers. *Members of houſe of commons may be members of the bank of England by* 5 & 6 W. & M. c. 20. ſ. 33. 5 & 6 W. & M. c. 1.

LVII. Provided always, and be it enacted by the authority aforeſaid, That no member of the houſe of commons ſhall at any time be concerned directly or indirectly, or any other in truſt for him, in the farming, collecting, or managing, any of the ſums of money, duties or other aids granted to their Majeſties by this act, or that hereafter ſhall be granted by any other act of parliament, except the commiſſioners of the treaſury, and the officers and commiſſioners for managing the cuſtoms and exciſe, not exceeding the preſent number in each office, and thoſe appointed to be commiſſioners for putting in execution an act, intituled, *An act for granting to their Majeſties an aid of four ſhillings in the pound for one year, for carrying on a vigorous war againſt* France, as to their executing only the authority of the ſaid act, by which they are appointed commiſſioners. Provided always, That *Thomas Neale* eſquire may be employed by their Majeſties as they ſhall think fit, in the ordering or managing the ſeveral recompences and advantages hereby given to the contributors upon this act; any thing in this act contained to the contrary notwithſtanding.

CAP. VIII.

EXP. 2 W. & M. ſſ. 2. c. 15.

An act for the explaining, and for the more effectual execution, of a former act for the relief of poor priſoners.

CAP. IX.

An act for repeal of a clauſe in the ſtatute of the fifth year of Queen Elizabeth *(containing divers orders for artificers and others) which relates to weavers of cloth.*

5 Eliz. c. 4. ſ. 32.

WHEREAS *by an act of parliament made in the fifth year of the reign of Queen* Elizabeth, *intituled*, An act containing divers orders for artificers, labourers, ſervants in huſbandry and apprentices; *it is enacted in theſe words following:* Provided always, and be it further enacted by the authority aforeſaid, That no perſon

perſon or perſons, uſing or exerciſing the art or myſtery of a woollen cloth weaver, other than ſuch as be inhabiting within the counties of *Cumberland*, *Weſtmoreland*, *Lancaſter*, and *Wales*, weaving frizes, cottons, or houſewife's cloth only, making and weaving woollen cloth commonly ſold, or to be ſold by any clothman or clothier, ſhall take and have any apprentice, or ſhall teach, or in any wiſe inſtruct any perſon or perſons in the ſcience, art, or occupation of weaving aforeſaid, in any village, town, or place (cities, towns corporate, and market towns only excepted) unleſs ſuch perſon be his ſon, or elſe that the father or mother of ſuch apprentice or ſervant ſhall, at the time of the taking of ſuch perſon or perſons to be an apprentice or ſervant, or to be inſtructed, have lands, or tenements, or other hereditaments, to the clear yearly value of three pounds at the leaſt, of an eſtate of inheritance or freehold, to be certified under the hands and ſeals of three juſtices of the peace of the ſhire or ſhires, where the ſaid lands, tenements, or other hereditaments, do or ſhall lie; the effect of the indenture to be regiſtred within three months, in the pariſh where ſuch maſter ſhall dwell, and to pay for ſuch regiſtring four pence, upon pain of forfeiture of twenty ſhillings for every month that any perſon ſhall otherwiſe take any apprentice, or ſet any ſuch perſon on work, contrary to the meaning of this article. *Now foraſmuch as ſuch part of the ſaid act before recited hath been found to be very inconvenient, and a great prejudice to the clothing trade*; may it pleaſe your moſt excellent Majeſties, that it may be enacted:

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That ſo much of the ſaid act as is before recited, be, and is hereby declared to be repealed, null, and void to all intents and purpoſes, as if the ſame had never been made. Clauſe repealed.

CAP. X.

An act for the relief of the orphans and other creditors of the city of London.

WHEREAS *the mayor, commonalty, and citizens of the city of* London, *have been, and are anſwerable for, and chargeable with, all monies of the orphans of the ſaid city, from time to time paid into the chamber of the ſaid city; but by reaſon of ſundry accidents and publick calamities, are now become indebted to the ſaid orphans and other creditors, for principal money and intereſt thereof, in a much greater ſum of money than they are able to ſatisfy and pay, unleſs ſome aſſiſtance be given them for the ſame:*

II. Be it therefore enacted by the King's and Queen's moſt excellent majeſties, by and with the adviee and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That for and towards the raiſing a perpetual fund to pay the yearly intereſt The city lands charged with 8,000 l. per ann. for the orphans.

of four pounds for every hundred pounds principal money, and of all the ſaid intereſt thereof, due to any orphan of the ſaid city, or the executors, adminiſtrators, or aſſigns, of any ſuch orphan, unto the five and twentieth day of *December*, one thouſand ſix hundred ninety three, ſuch intereſt to be computed from the time it was firſt payable unto the five and twentieth day of *December*, one thouſand ſix hundred eighty three, at five pounds for the intereſt of every hundred pounds for one year, and from the five and twentieth day of *December*, one thouſand ſix hundred eighty three, unto the five and twentieth day of *December*, one thouſand ſix hundred ninety three, at three pounds for the intereſt of every hundred pounds for one year, and proportionably for any greater or leſſer ſum (the intereſt already received for ſuch principal money to be deducted) and alſo to pay the like yearly intereſt of four pounds for every hundred pounds of the principal money and intereſt thereof, to be computed as aforeſaid, due upon bond, bill, or note, liable to pay intereſt, between the five and twentieth day of *December*, one thouſand ſix hundred fifty and five, and the ſaid five and twentieth day of *December*, one thouſand ſix hundred ninety three, or any other the creditor or creditors of the ſaid mayor, commonalty, and citizens, or the executors, adminiſtrators, or aſſigns, of any ſuch creditor or creditors, on the ſaid five and twentieth day of *December*, one thouſand ſix hundred ninety three, from the chamber of the ſaid city, or from the mayor, commonalty, and citizens thereof, and ſo proportionably for any greater or leſſer ſum, all and every the manors, meſſuages, lands, markets, and fairs, and other the hereditaments, revenues, and income whatſoever, of and belonging to the ſaid mayor commonalty, and citizens, in poſſeſſion or reverſion, and the improvements that ſhall or can be made thereof (except the manors, meſſuages, lands, eſtates, poſſeſſions, and revenues, of and belonging to *Chriſt*'s hoſpital, St. *Bartholomew*, *Bridewell*, St. *Thomas* and *Bethlehem*, hoſpitals, or any other hoſpital in or belonging to the ſaid city of *London* or borough of *Southwark*, and ſuch as are chargeable with and for the repairs of *London* bridge) ſhall be, and are hereby declared to be yearly charged for ever, from and after the four and twentieth day of *June*, one thouſand ſix hundred ninety four, for and towards the raiſing thereout the full and clear annual ſum of eight thouſand pounds for ever, free from all deductions for any impoſitions whatſoever; which ſaid yearly ſum ſhall be annually raiſed and paid out of all and every the ſaid manors, lands, tenements, hereditaments, and other revenue whatſoever, of and belonging to the ſaid mayor, commonalty, and citizens (except before excepted) and ſhall be, and is hereby appropriated towards the raiſing ſuch a perpetual fund, and to be applied as aforeſaid.

How much orphans money to be paid.

III. And be it further enacted by the authority aforeſaid, That all the aqueducts and right of bringing and conveying water belonging to the ſaid mayor, commonalty, and citizens, and all the improvements that ſhall be at any time made thereof, and all the rents, profits, and benefits whatſoever, which do

Aqueducts charged.

or

or ſhall at any time hereafter ariſe by any aqueducts or right of bringing and conveying water, which do or ſhall belong to the ſaid mayor, commonalty, and citizens (other than ſuch water as ſhall be for the ſupply of the publick conduits, hoſpitals, halls, and priſons in the ſaid city) ſhall, from and after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, for ever be appropriated and applied towards the payment of the ſaid intereſt money.

2,000l. upon perſonal eſtates.

IV. And for and towards the raiſing ſuch a perpetual fund, and ſo to be applied as aforeſaid, be it further enacted by the authority aforeſaid, That from and after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, the ſaid mayor, commonalty, and citizens, ſhall and may, and they are hereby required yearly to raiſe the ſum of two thouſand pounds, by an equal proportionable aſſeſſment upon the perſonal eſtates of the ſeveral inhabitants within the ſaid city and the liberties thereof, to be yearly aſſeſſed, collected, received, and paid, or in default of payment, diſtrained for, in ſuch manner as the ſaid mayor, commonalty, and citizens, in their common council aſſembled, or otherwiſe, ſhall from time to time annually direct and appoint.

Lights granted for 21 years for 600l. yearly.

V. And be it further enacted by the authority aforeſaid, That the ſaid mayor, commonalty, and citizens, ſhall, on or before the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, demiſe or grant to Sir *Charles Hara*, knight, *John Stanyon* eſquire, *Philip Neve* eſquire, and *John Lilye* gentleman, and all other the perſons concerned and intereſted in the glaſs lights, commonly called or known by the name of *convex lights*, a leaſe or licence for the ſole uſe of the publick lights, to be uſed in all publick places within the ſaid city and the liberties thereof, for the term of one and twenty years, to be computed from the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, reſerving the yearly rent of ſix hundred pounds, in ſuch manner, and by and under ſuch other articles, covenants, and agreements, for payment of the ſaid rent, or making void the ſaid leaſe in default thereof or otherwiſe, as by and between the ſaid mayor, commonalty, and citizens, and the ſaid perſons above mentioned, are or ſhall be agreed on for that purpoſe by certain articles made or to be made in that behalf: which ſaid yearly ſum of ſix hundred pounds ſhall be and is hereby appropriated towards raiſing the ſaid fund, and payment of the ſaid intereſt money as aforeſaid: from and after the determination of which leaſe, all and every the rents, profits, and benefits whatſoever, which the ſaid mayor, commonalty, and citizens, ſhall or may at any time lawfully make, by farming or granting licence or licences to any perſon or perſons whatſoever, for the lighting the ſtreets within the ſaid city, or the liberties thereof, by ſuch ways and means as the ſaid mayor, commonalty, and citizens ſhall think moſt proper, ſhall be, and are hereby declared and enacted to be for ever appropriated and applied to and for the uſes aforeſaid.

Appropriation of the money during and after the term.

VI. And

Tax upon binding apprentice.

VI. And for the further and greater increaſe of the ſaid fund; be it enacted, That from and after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, every perſon being free of any of the reſpective companies within the ſaid city of *London*, and the liberties thereof, who ſhall take or receive any apprentice, ſhall bind his apprentice before the maſter or wardens of ſuch company whereof the maſter is a member, or one of them, or their ſufficient deputy in that behalf, which ſaid apprentice at the time of his binding, ſhall pay to the ſaid maſter or wardens, or one of them, or their ſufficient deputy, the ſum of two ſhillings and ſix pence; all and every which ſaid ſum and ſums of two ſhillings and ſix pence the ſaid maſter and wardens, or their deputy, ſhall tranſmit and pay to the chamberlain of the ſaid city of *London*, twice in the year (*viz.*) on the fifteenth day of *December*, and eighteenth day of *June*, to be employed for the uſes aforeſaid: and all and every maſter, warden, or wardens of the ſaid reſpective companies ſhall, from time to time, provide and keep, in their common halls, one or more book or books of vellum or parchment in which every ſuch ſum of two ſhillings and ſix pence ſhall be ſet down and entred by the ſaid maſter or wardens, or their reſpective deputy or deputies, and the name of the apprentice who paid the ſame: and it ſhall and may be lawful to and for every perſon and perſons to have free acceſs unto and view the ſaid books at all times, between the hours of nine and twelve in the forenoon, without any fee or reward to be taken for the view or inſpection thereof; and for every ſum of money which ſuch maſter, warden, or wardens, or their deputies ſhall receive, and ſhall not be tranſmitted to the ſaid chamberlain at the times herein before appointed, ſuch maſter, warden, or wardens, ſhall forfeit the ſum of five pounds; the ſaid reſpective forfeitures to be recovered in the name of the chamberlain of the ſaid city for the time being, in any action of debt, bill, plaint, or information, to be commenced in any of their Majeſties courts of record, wherein no eſſoin, protection, or wager of law ſhall be allowed, and ſhall be applied towards raiſing the fund aforeſaid.

Books to be kept.

Penalty upon warden, &c. offending.

5s. upon freemen.

VII. And be it further enacted, That towards the raiſing the ſaid fund, every perſon who ſhall be admitted from and after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, to be a freeman of the ſaid city, ſhall, at the time of his admiſſion, pay unto the ſaid mayor, commonalty, and citizens of the ſaid city, the ſum of five ſhillings; which ſeveral above mentioned ſums of two ſhillings and ſix pence and five ſhillings ſhall, from and after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, be paid over and above the uſual and accuſtomed fees for the ſame.

4s. per ton upon wines.

VIII. And be it enacted by the authority aforeſaid, That a duty of four ſhillings *per* tun ſhall be and is hereby impoſed and laid upon all ſorts of wines whatſoever, which, from and after the ſaid four and twentieth day of *June*, one thouſand ſix hundred ninety four, ſhall be imported into the port of the ſaid city

ndon, or the members thereof, by way of merchandize, above the preſent duties charged or chargeable there- id ſo proportionably for a greater or leſſer quantity; d duty ſhall, from time to time, for ever be paid by rter thereof unto the ſaid mayor, commonalty, and and is hereby appropriated towards raiſing the ſaid d ſo to be applied as aforeſaid.

nd for the better collecting the ſaid duty from all and rſon or perſons whatſoever, as well free as unfreemen id city, be it enacted by the authority aforeſaid, That ore ſufficient perſon or perſons ſhall from time to time nted by the ſaid mayor and court of aldermen of *Lon-* he time being, by an order of the ſaid court, to collect ive the ſaid duty, during the pleaſure of the ſaid court; ſaid impoſition of four ſhillings *per* tun ſhall be raiſed, ollected, and paid to the ſaid collector or collectors, or their deputy and deputies, in the ſame manner and nd by ſuch rules, rates, ways and means, and under alties and forfeitures, as are provided, mentioned, and l in one act of parliament made in the twelfth year of 1 of King *Charles* the Second, intituled, *A ſubſidy granted ng of tunnage and poundage, and other ſums of money, pay- merchandize exported and imported*, for the paying, re- collecting, or ſeizing the duty of tunnage thereby

Collector to be appointed by mayor, &c.

Impoſt how to be levied.

12 Car. 2. c. 4.

nd for a further increaſe of the ſaid fund, be it enacted authority aforeſaid, That for all ſorts of coals which imported or brought into the port of the ſaid city of or the river of *Thames* within the liberty of the ſaid city e ſame river, to be ſold by the chaldron or tun, there paid by way of impoſition thereupon, according to the d duties herein after mentioned (that is to ſay) for all t of coals or culm as are uſually ſold by the chaldron, y chaldron thereof, which ſhall be imported from and ſaid four and twentieth day of *June*, one thouſand ſix l ninety four, the ſum of four pence metage for ever, d above what is now lawfully paid for the metage there- ich ſaid ſum ſhall be paid in like manner as the preſent metage is or hath been accuſtomed to be paid, and, ne to time, be paid to the ſaid mayor, commonalty, and of the ſaid city by the officer and officers receiving the age. And for all ſuch ſort of coals or culm which ſhall rted into the ſaid port or members thereof, from and e nine and twentieth day of *September*, which ſhall be in r of our Lord one thouſand and ſeven hundred (over ve all other impoſitions and duties, and the above men- um of four pence) the further ſum of ſix pence for every n thereof. And for ſuch ſort of coals as are ſold by the every tun thereof, containing two thouſand weight, the n of ſix pence; which ſaid impoſition of ſix pence ſhall e from the ſaid nine and twentieth day of *September*, for and

Duty on coals.

4d. for metage.

6d. per chaldron.

6d. per ton.

21 Geo. 2. c. 29.

How and when to be paid.

and during the term of fifty years, and no longer. And the ſaid impoſition of ſix pence for every chaldron of coals ſhall, from time to time, during the continuance of the ſaid impoſition, be anſwered and paid unto the ſaid mayor, commonalty and citizens, by the maſter, owner or owners, or other perſon or perſons taking charge of any ſhip or veſſel whereupon the ſame ſhall be laden, before they ſhall break bulk, or have a meter aſſigned for the meaſuring or weighing any coals aforeſaid, to be delivered from on board ſuch ſhip or veſſel, the ſame to be paid at ſuch place or places, as by the ſaid mayor and court of aldermen ſhall from time to time be appointed, within the ſaid city or liberties thereof, for the receipt thereof; upon receipt whereof the party appointed to receive the ſame ſhall without delay, fee, or reward, deliver a receipt to the perſon or perſons who ſhall pay the ſaid duty or duties; which receipt ſhall for ſo much be a ſufficient diſcharge; and that the ſaid impoſition of ſix pence *per* tun or chaldron ſhall, by virtue of this act, be collected and levied in ſuch ſort and manner in all and every reſpects, as in and by one act made in the nineteenth year of the reign of the late King *Charles* the Second, intituled, *An act for the rebuilding the city of* London, the impoſition of coals thereby granted was to be collected and levied; and all and every the powers, authorities, directions and proviſions, in or by the ſaid act mentioned or provided for the levying, collecting and recovering thereof, or the penalties thereby impoſed, or for the ordering or regulating the proceedings of the ſaid coal meters or others in diſcharge of their reſpective offices and duties, or for the preventing of fraud and covin, and for the diſcovery of the juſt quantity of all ſorts of coals to be imported as aforeſaid, ſhall remain and be in force, and by virtue of this preſent act ſhall and may be exerciſed and put in uſe for the collecting, levying and recovering the ſaid duty of ſix pence, according to the purport and effect of the aforeſaid act, and under the ſame penalties in all and every reſpect, and that for and during all the time by this act limited and appointed for the payment of the ſaid impoſition, as if the ſame were expreſly mentioned in this preſent act, with reference to the ſaid impoſition thereby impoſed: all which monies ſo to be received upon account of the ſaid reſpective impoſitions of four pence, and ſix pence, or by any other additional duty, in caſe of concealment thereof, as by the aforeſaid act is appointed, and all other the ſums of money hereby appointed as part of the ſaid fund, ſhall from time to time be paid into the receipt of the chamber of the city of *London*, and ſhall be and is hereby appropriated towards the raiſing ſuch a fund as aforeſaid, and applied towards the diſcharge of the ſaid debts.

How recovered.

19 Car. 2. c. 3.

All the money to be paid into the chamber.

Officers to give ſecurity.

XI. And be it enacted by the authority aforeſaid, That all and every officer and officers, or other perſon or perſons whatſoever concerned or to be concerned in the receipt of any of the ſums by this act appropriated to the uſes aforeſaid, before he or they ſhall be admitted to take upon him or them the execution of

of any the ſaid office or offices, he or they ſhall be bound with ſufficient ſureties to the ſaid mayor, commonalty and citizens, for the juſt and faithful execution of ſuch office or employment, in ſuch reaſonable ſum or ſums, as by the ſaid mayor or court of aldermen ſhall be thought fitting, with reſpect to this preſent act, and to the truſt hereby repoſed in ſuch officer or officers.

City lands charged with 6,000l. more.

XII. And to the intent that the ſaid fund may be perpetual, be it further enacted by the authority aforeſaid, That from and after ſuch time as the aforeſaid impoſition of ſix pence hereby laid ſhall ceaſe and determine, all and every the manors, meſſuages, lands, tenements, markets, fairs and the duties thereof, and all other the revenues of and belonging to the ſaid city of *London*, in poſſeſſion or reverſion, ſhall ſtand and be charged with the full yearly ſum of ſix thouſand pounds (over and above the ſaid yearly ſum of eight thouſand pounds) and is hereby appropriated and enacted to be applied to the ſame uſes, to which the ſaid yearly ſum of eight thouſand pounds is herein before made liable.

How much of the orphans money to be paid, and how.

XIII. And be it further enacted by the authority aforeſaid, That all and every the aforeſaid yearly and other rents and payments, iſſues, profits, duties, impoſitions, ſum and ſums of money whatſoever, by this act appointed to be raiſed, charged, paid, collected, had, received or made by, out of, or for any the matters or things, or by any the ways or means herein before mentioned, ſhall (deducting thereout ſuch neceſſary and reaſonable ſalaries and allowances, as the ſaid mayor and court of aldermen ſhall think fit to allow to any perſon or perſons, whom they ſhall employ for the collecting, receiving or paying the ſame) from time to time for ever, in the firſt place be applied by the mayor, commonalty, and citizens of the ſaid city, for the payment of the annual ſum of four pounds of lawful money for the intereſt of every one hundred pounds, and proportionably for a greater or leſſer ſum, of the above mentioned reſpective debts, and all the intereſt thereof due on the ſaid five and twentieth day of *December*, one thouſand ſix hundred ninety three, to any orphan of the ſaid city, or the executors, adminiſtrators or aſſigns of any ſuch orphan, and alſo for the payment of the like yearly intereſt of four pounds for every hundred pounds principal money, and the intereſt thereof, to be computed as aforeſaid, due at any time between the ſaid five and twentieth day of *December*, one thouſand ſix hundred fifty five, and the ſaid five and twentieth day of *December*, one thouſand ſix hundred ninety three, upon bond, bill, or note, liable to pay intereſt, from the ſaid mayor, commonalty, and citizens, unto any perſon or perſons whatſoever, or to ſo much thereof only as the ſaid monies, by this act appointed to be raiſed and paid as aforeſaid, ſhall yearly amount unto, to ſatisfy and pay towards the ſaid intereſt to the ſaid orphans, and other the ſaid creditors of the ſaid mayor, commonalty, and citizens, or their reſpective executors, adminiſtrators or aſſigns, equally in proportion to their reſpective intereſt, the ſaid payments to be made twice

twice in every year (that is to ſay) on the feaſt days of Saint *Thomas* the apoſtle, and Saint *John* the baptiſt, or within fourteen days after: the firſt payment thereof to be made on the feaſt day of Saint *Thomas* the apoſtle, which ſhall be in the year of our Lord one thouſand ſix hundred ninety four, or within fourteen days after: and the ſaid monies, or any part thereof ſhall not be applied, iſſued or paid to any uſe, intent or purpoſe whatſoever, by virtue of any order or warrant whatſoever, other than for the uſe aforeſaid; but all orders and warrants for iſſuing, paying or diſpoſing any of the ſaid monies, contrary to the true intent and meaning of this act, ſhall be utterly void.

Orphans to acknowledge ſatisfaction.

XIV. And be it further enacted by the authority aforeſaid, That the proviſion hereby made for payment of the ſaid intereſt money for ever, ſhall be and is hereby declared to be in full ſatisfaction and diſcharge of and for the debts due from the ſaid mayor, commonalty, and citizens of the ſaid city of *London*, to the ſaid orphans, and others their ſaid creditors, and of and from all intereſt due or to be due for the ſame, unto the five and twentieth day of *December*, one thouſand ſix hundred ninety three; and that all and every the ſaid orphans and creditors, or their reſpective executors, adminiſtrators or aſſigns, ſhall, according to uſual cuſtom, acknowledge ſatisfaction of their reſpective debts, paying to the officers concerned ſuch fees only as the mayor and court of aldermen for the time being ſhall direct and appoint, not exceeding thirteen ſhillings and four pence for every thouſand pounds; and the ſaid mayor, commonalty, and citizens of the ſaid city of *London*, and their ſucceſſors, are and ſhall be hereby acquitted and diſcharged of and from the ſame.

Books of receipts and diſburſements to be kept.

XV. And to the end the ſaid monies may be duly applied to the uſes aforeſaid, for which the ſame are by this act appointed and appropriated, be it further enacted by the authority aforeſaid, That there ſhall, from time to time, be provided and kept by the ſaid chamberlain for the ſaid city of *London* for the time being, one or more book or books of vellum or parchment, in which all monies to be received, by any the ways or means herein before mentioned, ſhall from time to time, as the ſame ſhall be received, be entred or ſet down, and for what the ſame was received; and alſo one other like book or books, wherein the accounts of all payments and diſburſements out of the ſame ſhall be likewiſe entred, expreſſing the time when, the occaſion for which, and the name of the perſon or perſons to whom the ſame were ſo paid and diſburſed; and that it ſhall and may be lawful to and for all and every perſon and perſons to have free acceſs unto, and view of the ſaid reſpective books of receipts and diſburſements, at all times, between the hours of nine and twelve in the forenoon, without any fee or reward to be taken for the view or inſpection thereof: and that the receipts and payments of all the monies aforeſaid, by the ſaid chamberlain of the ſaid city,

Accounts to be audited yearly,

or

ther officer, who ſhall be appointed by the ſaid mayor, com-
nalty, and citizens, to receive or iſſue out the ſaid monies, be
ited yearly upon oath before one of the auditors of the impreſt
the time being (which oath the ſaid auditors reſpectively are
:by required to adminiſter) between the feaſt days of Saint
:*bael* the archangel, and Saint *Thomas* the apoſtle; and the
auditor ſhall have and receive of the chamberlain of the city
London for the time being, the ſum of twenty ſhillings, and
more, for every thouſand pounds the ſaid accounts ſhall a-
unt unto, the which accounts ſo audited ſhall be ſigned by
ſaid auditor, and be allowed alſo by the ſaid mayor and
irt of aldermen, and fairly entred, and remain in the cham-
of the ſaid city, to be peruſed and viewed as aforeſaid.

and allowed by the court of aldermen.

Auditor's allowance.

XVI. And be it further enacted, That if any chamberlain of
ſaid city of *London*, or other perſon aforeſaid, ſhall, after re-
pt of any of the ſaid monies, divert or miſapply the ſame, or
/ part thereof, contrary to the true intent and meaning of
s act, that then ſuch officer or perſon, ſo diverting or miſap-
ing the ſaid money, ſhall forfeit treble the ſum ſo miſapplied;
ich ſaid forfeitures ſhall be recovered by any the ſaid orphans,
other creditors, their executors, adminiſtrators or aſſigns,
it ſhall ſue for the ſame, by action of debt, bill, plaint or in-
mation, in any of their Majeſties courts of record, wherein
eſſoin, protection, or wager of law ſhall be allowed.

Penalty upon chamberlain miſapplying the money.

XVII. And be it further enacted by the authority aforeſaid,
nat the chamberlain and common ſerjeant of the ſaid city,
ll upon requeſt give unto every of the ſaid orphans and cre-
ors, and to their reſpective executors, adminiſtrators or af-
ns, a bill or note in writing of the principal debt and intereſt
ing to ſuch orphan or creditor, and to their reſpective execu-
s, adminiſtrators or aſſigns; and that any perſon or perſons,
whom any money ſhall be payable by virtue of this act, may
writing under his or their reſpective hands and ſeals aſſign
d transfer his, her or their right or intereſt, in and to ſuch
onies payable by virtue of this act, or any part thereof, to
y perſon or perſons whatſoever; which being entred or regi-
ed in a book to be kept by the ſaid mayor and court of alder-
en for that purpoſe (which they are hereby enjoined to keep)
d the note or bill of the ſaid debt ſo given as aforeſaid be-
g delivered up to the officer appointed by the ſaid court of al-
rmen for that purpoſe, who ſhall thereupon give his note or
ll in writing of the debt ſo aſſigned, to the party or parties to
hom ſuch aſſignment ſhall be made, ſuch aſſignee or aſſignees,
s or their executors, adminiſtrators or aſſigns, ſhall be intitled
the benefit thereof, and of all monies payable thereon, and
ch aſſignee or aſſignees may in like manner aſſign again, and
toties quoties, and afterwards it ſhall not be in the power of
ıy ſuch perſon or perſons, who have made ſuch aſſignments,
make void, releaſe or diſcharge the ſame, or the monies
ıereby aſſigned, or any part thereof.

Chamberlain, &c. to give a note of what is owing.

Orphans debt transferrable.

XVIII. Provided always, and be it enacted, That no perſon

No perſon compellable to

or

pay orphans money into the chamber.

or perſons whatſoever ſhall at any time be compelled or obliged by virtue of any cuſtom within the ſaid city, or by any order or proceſs of the court of orphans, or otherwiſe howſoever, to pay or deliver into the chamber of the ſaid city of *London*, any ſum or ſums of money or perſonal eſtate, due or to be due or belonging to any orphan or orphans of any freeman of the ſaid city; any law or uſage for enforcing the ſame notwithſtanding.

Proceſs upon recognizance ſaved.

XIX. Provided always, That nothing herein contained ſhall be deemed or conſtrued to extend to impeach, make void, or prevent proceſs upon any recognizance already given, according to the cuſtom of the ſaid city.

Corporation lands charged, if mayor, &c. miſapply.

XX. And be it further enacted, That if any of the ſaid ſum or ſums by this act appropriated, or any part thereof, ſhall happen to be miſapplied or converted to any other uſe than as aforeſaid, by the ſaid corporation of the mayor, commonalty, and citizens of *London* for the time being, or any of their officers, or any other perſon, by colour of any warrant or authority by, from, or under them; that then in ſuch caſe the ſaid mayor, commonalty, and citizens, ſhall and may be anſwerable for the ſame, out of the revenue of the ſaid corporation, in any action to be brought by any of the ſaid orphans, or other creditors, their heirs or aſſigns; which ſaid ſum ſo recovered ſhall go and be to and for the uſes aforeſaid, in like manner as the ſame (if not miſapplied) ſhould or might have been, excepting the coſts of ſuch ſuit, which ſhall be to and for the benefit of him, her or them ſo ſuing.

Fines, &c. upon the mayor, &c. not to be diſcharged.

XXI. Provided always, and be it enacted, That all amerciaments, fines, iſſues, or diſtreſſes againſt the ſaid corporation of the ſaid mayor, commonalty and citizens, and their ſucceſſors reſpectively, had, charged or levied, in or upon account of ſuch ſuit or actions brought, ſhall be applied to the uſes aforeſaid, and to no other uſe whatſoever, nor ſhall the ſame be pardoned, acquitted or diſcharged by any letters of ſignet, privy ſeal, or great ſeal, of their Majeſties, their heirs or ſucceſſors, or otherwiſe howſoever; any law or uſage to the contrary notwithſtanding.

Orphans hereafter may take advantage of this act.

XXII. Provided always, and be it enacted, That when, and as often as any application ſhall be made to the ſaid mayor and court of aldermen for the time being, on behalf of any orphan or orphans of the ſaid city, by the executors or adminiſtrators of the father of ſuch orphans, to pay in and lodge any ſum or ſums of money, of or belonging to ſuch orphan or orphans, in the ſaid chamber, and to have the benefit of the ſaid proviſion hereby made, it ſhall and may be lawful to and for the ſaid mayor and court of aldermen, and they are hereby impowered and directed, to order the chamberlain of the ſaid city for the time being, to pay off the like ſum to ſuch perſon or perſons intitled to the ſaid yearly payments as aforeſaid, as they think fit, not being orphans under the age of one and twenty years, and giving three months notice to or for the perſon or perſons ſo to be paid off and diſcharged; at the end of which three months, upon payment, or tendring of the ſaid monies due for principal

reſt to or for the perſon or perſons to whom ſuch notice given, according to the proviſion hereby made, at the the ſaid chamberlain in *Guild-hall, London*, then and nceforth the annual ſum or ſums of money payable to ſon or perſons, to whom ſuch notice, payment, or all be made or given, ſhall ceaſe and determine, and ſhall become due and payable to or for the uſe of ſuch r orphans, who ſhall have paid in the monies for the d ſhall be regiſtred accordingly, and be aſſignable as . Nevertheleſs, the monies ſo tendred ſhall be paid to ſon and perſons, upon their demand of the ſame, and or giving a diſcharge for the ſame, it being hereby en- d declared, that the proviſion hereby made ſhall be and perpetual ſtock or fund for the benefit of the orphans id city ſucceſſively.

I. And be it further enacted and declared, That all ſuch id debts due to any of the ſaid orphans, as have been at before the ſaid five and twentieth day of *December*, aſ- granted, or covenanted to be aſſigned or granted, or h any authority hath heretofore been given or granted, of the ſaid orphans, their huſbands, executors or ad- ors, to any perſon or perſons, to receive the ſame, or thereof, to the uſe of ſuch perſon ſo authorized, or any rſon beſide ſuch orphan, ſhall and may be redeemed, ereby declared to be redeemable by the ſaid orphans, or bands, or their reſpective executors or adminiſtrators, ent of the ſaid principal ſum of money paid in conſide- making the ſaid aſſignment, grant, covenant or autho- ether with the charges and intereſt for the ſame, from of the payment thereof, after the rate of eight pounds *n per annum*, for one year, diſcounting for what hath eived for or in reſpect of the ſaid debt by any ſuch per- hom ſuch aſſignment or authority was made or given, n payment or tender of the ſaid principal money, inte- l charges, ſuch grant, aſſignment or authority, and all ts and agreements concerning the ſame, ſhall be void. l nevertheleſs, That ſuch redemption as aforeſaid be thin the ſpace of three years from and after the end of ent ſeſſion of parliament.

Orphans who have already transferred may redeem in 3 years time.

I. And whereas divers perſons, pretending as agents and ſo- obtain the payment of the orphans debts by act of parliament niſe, have induced many orphans, and others for them, to en- bligations, agreements, contracts, ſubſcriptions, or other ſe- for payment of large portions of their debts whenſoever it recovered, which may amount to very great ſums; be it enacted by the authority aforeſaid, That all ſuch bonds, ns, agreements, contracts, ſubſcriptions, and other ſe- ſo entred into, ſhall be null and void; and that it ſhall l for the mayor and court of aldermen of the city of out of the revenue ſettled by this act for relief of the or- d other creditors, to allow and pay unto ſuch agents

Bonds to agents void.

Mayor, &c. to pay agents.

and ſolicitors what they judge may be reaſonable; which ſums ſhall be allowed in the account of the ſaid revenue; and in caſe any ſuch agents or ſolicitors ſhall demand or receive any more money upon account of, or from any of the ſaid orphans, than what ſhall be ſo adjudged due to them reſpectively, they ſhall reſpectively forfeit treble the ſum they ſhall ſo receive, to be recovered together with coſts of ſuit, by ſuch perſon or perſons, who ſhall ſue for the ſame, by action of debt, bill, plaint or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law ſhall be allowed, nor any more than one imparlance.

Agent offending forfeits treble damages.

New river water ſaved.

XXV. Provided, That this act ſhall not extend to the *New River* water, nor to the profits and perquiſites thereof. Provided nevertheleſs, That nothing in this act contained ſhall be conſtrued or taken to hinder or obſtruct the governor and company of undertakers for raiſing the *Thames* water in *York Buildings*, or their aſſigns, from taking or drawing water out of the river of *Thames*, or from laying or repairing their pipes or branches, according to an act of parliament in that behalf made; but that they may ſtill enjoy all their rights and titles by the ſaid act provided, and may ſtill continue to take the ſaid *Thames* water, and to lay and repair their pipes, as they might have lawfully done before the making of this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding. Provided alſo, That neither the ſaid governor and company of undertakers for raiſing the *Thames* water in *York Buildings*, or their aſſigns, nor the ſaid mayor and commonalty and citizens, or their aſſigns, do or ſhall diſturb, obſtruct, or hinder each other, in laying, repairing or amending ſuch their reſpective pipes or branches, or to do or cauſe to be done any prejudice or damage to each others pipes or branches.

York buildings water ſaved.

Proviſo for pipes.

Shadwell water ſaved.

XXVI. Provided, That nothing in this act ſhall be conſtrued or taken to hinder or obſtruct the governor and company of the water-works and water-houſes in *Shadwell*, or their ſucceſſors, of any right or title to take and receive water out of the river of *Thames*, nor to hinder or obſtruct them in laying pipes and branches in the ſtreets and open paſſages, or holding, uſing, exerciſing, or enjoying all or any ſuch right, title, eſtate, powers, privileges, and advantages whatſoever, as by one act of this preſent parliament, intituled, *An act for incorporating the proprietors of the water-works in the pariſh of St.* Paul Shadwell *in the county of* Middleſex, *and for the encouraging, carrying on, and ſettling the ſaid water-works*, or by any other lawful ways and means, they and their ſucceſſors do now enjoy the ſame, or as they may or might enjoy the ſame, as if this preſent act had never been made; any thing contained herein to the contrary notwithſtanding.

3 & 4 W. & M. c. 37. *a private act.*

London bridge water ſaved.

XXVII. Provided, That this act, or any thing herein contained, ſhall not extend to the water-works of maſter *Thomas Morris*, at or near *London* bridge, which he holdeth and enjoyeth by virtue of a grant made to *Peter Morris* his late grandfather,

father, from the mayor, commonalty, and citizens of the city of *London*, for the term of five hundred years, by indenture under their common ſeal, dated the four and twentieth day of *November*, in the five and twentieth year of the reign of the late Queen *Elizabeth*, nor any of the profits and benefits ariſing or accruing thereby, nor to make the ſame liable, or appropriate the ſame, or any part thereof, to the payment of the ſaid intereſt monies or fund hereby intended, other than the rent reſerved upon the ſaid leaſe.

S. Hutchinſon paying a ſhare in the lights, to have the ſame benefits as others.

XXVIII. Provided always, and be it further enacted by the authority aforeſaid, That if *Samuel Hutchinſon* gentleman, or his aſſigns, ſhall pay to the partners in the convex lights, before the four and twentieth day of *June*, one thouſand ſix hundred ninety five, his and their full proportion of money for ſtock for his and their ſhares, as the other partners have paid, and do within the ſame time agree and covenant, under his and their hands and ſeals, to ſtand to and perform all ſuch contracts and agreements, as are or ſhall be made by the ſaid partners; then he the ſaid *Samuel Hutchinſon*, his executors, adminiſtrators, and aſſigns, ſhall and may have, hold, and enjoy the ſame intereſt and benefit in the premiſſes, as any of the ſaid partners do or may at any time hold and enjoy the ſame, according to their reſpective proportions.

Perſon ſued may plead general iſſue, &c.

XXIX. And be it further enacted, That if any action, plaint, ſuit or information, ſhall be commenced or proſecuted againſt any perſon or perſons for what he or they ſhall do in purſuance or in the execution of this act, ſuch perſon or perſons ſhall or may plead the general iſſue thereunto, and upon trial of any iſſue joined, may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him, the defendant or defendants ſhall recover their coſts, for which he or they ſhall have the like remedy as in any caſe where coſts by law are given to defendants.

Publick act.

XXX. Provided always, and be it enacted by the authority aforeſaid, That this preſent act ſhall be accepted, taken, and reputed to be a general act of parliament, of which all and every the judge and judges of this kingdom, in all courts, ſhall take notice on all occaſions whatſoever, as if it were a publick act of parliament relating to the whole kingdom; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Money retained for city charges for 7 years.

XXXI. *And whereas the reſidue of the revenue belonging to the ſaid mayor, and commonalty, and citizens, over and above what is hereby appointed to for the uſe of the ſaid orphans and creditors, will not be ſufficient, until further improvements can be made, to anſwer and defray the expences neceſſary for ſupporting the government and publick charges of the ſaid city*; be it further enacted by the authority aforeſaid, That for the ſpace of ſeven years, commencing from the nine and twentieth day of *September* laſt paſt, it ſhall be lawful for the mayor and court of aldermen to retain and apply, and

for the chamberlain to iſſue and pay, towards the neceſſary expences or charges, any ſum or ſums, not exceeding in the whole the ſum of two thouſand pounds yearly, out of the monies hereby appointed to and for the uſe of the ſaid orphans and creditors as aforeſaid; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Money retained to be repaid.

XXXII. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That if after the deduction and allowance of the ſaid two thouſand pounds *per annum*, for the uſe and ſupport of the government of the ſaid city of *London*, during the ſaid term of ſeven years, there ſhall not be raiſed and paid to the orphans and creditors by this act intended to be provided for, out of the reſidue of the rents, iſſues and profits of the ſeveral proviſions and funds above mentioned, ſo much money as will fully ſatisfy all the ſaid orphans and creditors intereſt for all their ſeveral and reſpective debts, after the rate of four pounds *per centum per annum*, during the ſaid whole term of ſeven years, that then and in ſuch caſe the ſaid mayor, commonalty and citizens of the ſaid city of *London* for the time being, ſhall repay into the hands of the chamberlain of *London* for the time being, within ſeven years after the expiration of the ſaid term, the whole and full ſum of fourteen thouſand pounds, or ſo much thereof as they ſhall have made uſe of for the ſupport of the government, by two thouſand pounds *per annum*, or ſuch leſs yearly ſum, as ſhall be proportionable to what they ſhall have ſo made uſe of, until the ſame, or ſo much thereof as ſhall make good the deficiency that ſhall appear in the ſatisfaction of the intereſt of all the ſaid monies due to the ſaid orphans and other creditors, at the rate aforeſaid, by reaſon of applying the ſaid two thouſand pounds *per annum*, or any part thereof, to the uſe of and for the ſupport of the government of the ſaid city for the

City lands charged with repayment.

term aforeſaid, ſhall be ſatisfied; and for ſecuring the repayment thereof, as aforeſaid, all and every the eſtate, rents, revenues, intereſt, perquiſites, profits, and emoluments of any ſort (except the manors, meſſuages, lands, eſtates, poſſeſſions, and revenue, of and belonging to the ſaid hoſpitals, in or belonging to the ſaid city of *London*, or borough of *Southwark*, and ſuch as are chargeable with and for the repairs of *London* bridge, which at the expiration of the ſaid term of ſeven years ſhall belong unto the ſaid mayor, commonalty, and citizens thereof in their politick or publick capacity only) ſhall be and are hereby charged and made ſubject and liable thereunto.

CAP. XI.

An act to prevent delays of proceedings at the quarter ſeſſions of the peace.

21 Jac. 1. c.8. 13 & 14 Car.2. c.6. ſ.16. 22 Car.2. c.12. ſ. 4.

WHEREAS *it is experienced, that notwithſtanding the ſtatutes made in the one and twentieth year of the reign of King* James *the Firſt, and in the thirteenth and fourteenth and two and twentieth years of King* Charles *the Second, concerning the granting of writs of* Certiorari, *to remove indictments of riots, forcible entry, aſſault and bat-*

battery, and other preſentments and indictments out of the courts of the general or quarter ſeſſions of the peace, in the counties or places wherein ſuch indictments have been found, and proceedings thereupon recorded, into their Majeſties court of King's Bench, *divers turbulent, contentious, lewd, and evil diſpoſed perſons, fearing to be deſervedly puniſhed where they and their offences are well known, have not only obtained writs of* Certiorari *for removing ſuch indictments found againſt them as aforeſaid, but alſo indictments for ſundry other treſpaſſes, frauds, nuſances, contempts, and miſdemeanors, after iſſue joined, and the proſecutors attending with their council and witneſſes to try the ſame before the ſaid juſtices of the peace in their ſaid ſeſſions, to the great diſcouragement of the proſecutors, and of ſuch conſtables and other officers, as according to their duty preſent perſons for thoſe and ſuch like treſpaſſes, offences, and miſdemeanors:* for remedy whereof, and that ſuch offenders may be brought to condign puniſhment,

Certiorari in term time grantable only upon motion.

II. Be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That in term time no writ of *Certiorari* whatſoever, at the proſecution of any party indicted, be hereafter granted, awarded, or directed out of the ſaid court of *King's Bench*, to remove any ſuch indictment or preſentment of treſpaſs or miſdemeanor, before trial had, from before the ſaid juſtices in the ſaid courts of general or quarter ſeſſions of the peace, unleſs ſuch *Certiorari* ſhall be granted or awarded upon motion of council, and by rule of court made for the granting thereof, before the judge or judges of the ſaid court of *King's Bench* ſitting in open court, and that all the parties indicted, proſecuting ſuch *Certiorari*, before the allowance thereof, ſhall find two ſufficient manucaptors, who ſhall enter into a recognizance before one or more juſtices of the peace of the county or place, in the ſum of twenty pounds, with condition at the return of ſuch writ to appear and plead to the ſaid indictment or preſentment in the ſaid court of *King's Bench*, and at his and their own coſts and charges to cauſe and procure the iſſue that ſhall be joined upon the ſaid indictment or preſentment, or any plea relating thereunto, to be tried at the next aſſizes to be held for the county wherein the ſaid indictment or preſentment was found, after ſuch *Certiorari* ſhall be returnable, if not in the cities of *London*, *Weſtminſter*, or county of *Middleſex*; and if in the ſaid cities or county, then to cauſe or procure it to be tried the next term after, wherein ſuch *Certiorari* ſhall be granted, or at the ſitting after the ſaid term, if the court of *King's Bench* ſhall not appoint any other time for the trial thereof; and if any other time ſhall be appointed by the court, then at ſuch other time, and to give due notice of ſuch trial to the proſecutor, or his clerk in court; and that the ſaid recognizance and recognizances, taken as aforeſaid, ſhall be certified into the ſaid court of *King's Bench*, with the ſaid *Certiorari* and indictment, to be there filed, and the name of the proſecutor

Recognizance to be given for trying the iſſue next aſſizes.

2 Salk. 564.

Except in London and Weſtminſter.

Certiorari granted without recognizance void.

(if he be the party grieved or injured) or ſome publick officer to be indorſed on the back of the ſaid indictment, and if the perſon proſecuting ſuch *Certiorari*, being the defendant, ſhall not, before allowance thereof, procure ſuch manucaptors to be bound in a regognizance as aforeſaid, the juſtices of the peace may and ſhall proceed to trial of the ſaid indictment at the ſaid ſeſſions, notwithſtanding ſuch writ of *Certiorari* ſo delivered.

Officers proſecuting ſhall have double coſts.

III. And be it further enacted, That if the defendant proſecuting ſuch writ of *Certiorari* be convicted of the offence for which he was indicted, that then the ſaid court of *King*'s *Bench* ſhall give reaſonable coſts to the proſecutor, if he be the party grieved or injured, or be a juſtice of the peace, mayor, bailiff, conſtable, headborough, tythingman, churchwarden, or overſeer of the poor, or any other civil officer, who ſhall proſecute upon the account of any fact committed or done, that concerned him or them, as officer or officers, to proſecute or preſent, which coſts ſhall be taxed according to the courſe of the ſaid court, and that the proſecutor, for the recovery of ſuch coſts, ſhall within ten days after demand made of the defendant, and refuſal of payment on oath, have an attachment granted againſt the defendant by the ſaid court for ſuch his contempt; and that the ſaid recognizance ſhall not be diſcharged till the coſts ſo taxed ſhall be paid.

Certiorari how grantable in vacation.

IV. Provided always, and be it enacted by the authority aforeſaid, That in any of the vacations, writs of *Certiorari* may be granted by any of the juſtices of their Majeſties court of *King*'s *Bench*, whoſe names ſhall be indorſed on the ſaid writ, and alſo the name of ſuch perſon at whoſe inſtance the ſame is granted, and that the party or parties indicted, proſecuting ſuch *Certiorari*, ſhall, before the allowance of ſuch writ or writs of *Certiorari*, find ſuch ſureties, in ſuch ſum, and with ſuch conditions, as are before mentioned and ſpecified in this preſent act.

Certiorari in Cheſter, &c. how granted.

V. And be it further enacted by the authority aforeſaid, That upon every *Certiorari* granted or awarded within the counties palatine of *Cheſter*, *Lancaſter*, or *Durham*, to remove indictments or preſentments for any of the matters aforementioned, all the parties indicted, proſecuting ſuch *Certiorari*, ſhall find ſuch ſureties, to be bound in ſuch ſums, and with ſuch reſpective conditions, and at his or their own coſts and charges ſhall cauſe and procure the iſſue joined upon the ſaid indictments or preſentments to be tried at the next aſſizes or general gaol delivery to be held for the ſaid reſpective counties, and ſhall give like notice to the proſecutor, and if convicted, ſhall be liable to like coſts, to be taxed as is by this act provided for in caſes where the ſame are granted or awarded out of the court of *King*'s *Bench* at *Weſtminſter*.

Certiorari upon repairing highways, &c.

VI. Provided always, and be it enacted by the authority aforeſaid, That if any indictment or preſentment be againſt any perſon or perſons, for not repairing of any highways, cauſeways,

pavements, or bridges, and the right or title to repair the ſame may come in queſtion, upon ſuch ſuggeſtion and affidavit made of the truth thereof, a *Certiorari* may be granted to remove the ſame into the court of *King's Bench*; any law or ſtatute to the contrary in any wiſe notwithſtanding. Provided nevertheleſs, that the party or parties proſecuting ſuch *Certiorari* ſhall find two manucaptors to be bound in a recognizance with condition as aforeſaid.

VII. Provided always, and be it enacted by the authority aforeſaid, that this act ſhall continue and be in force for three years, and from thence to the end of the next ſeſſion of parliament, and no longer. *Made perpetual by* 8 & 9 *W.* 3. cap. 33. This act to continue for 3 years.

CAP. XII.

An act to take away the proceſs for the Capiatur *fine in the ſeveral courts at* Weſtminſter.

WHEREAS *there are divers ſuits and actions of treſpaſs, ejectment, aſſault, and falſe impriſonment, brought by party againſt party in the reſpective courts of law at* Weſtminſter, *and upon judgment entred againſt the defendant or defendants in ſuch ſuits or actions, the reſpective courts aforeſaid do* (ex officio) *iſſue out proceſs againſt ſuch defendant and defendants, for a fine to the crown, for a breach of the peace thereby committed, which is not aſcertained, but is uſually compounded for a ſmall ſum of money by ſome officer in each of the ſaid courts, but never eſtreated into the* Exchequer; *which officers or ſome of them, do very often outlaw the defendants for the ſame, to their very great damage:* For remedy whereof,

II. Be it enacted by the King and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth no writ or writs, commonly called *capias pro fine*, in any of the ſaid ſuits or actions in any of the ſaid courts, ſhall be ſued out or proſecuted againſt any of the ſaid defendant or defendants, or any further proceſs thereupon; but the ſame fines, and all former fines yet unpaid, are and ſhall hereby be remitted and diſcharged for ever. Yet nevertheleſs the plaintiff or plaintiffs in every ſuch action ſhall (upon ſigning judgment therein, over and above the uſual fees for ſigning thereof) pay to the proper officer, who ſigneth the ſame, the ſum of ſix ſhillings and eight pence, in full ſatisfaction of the ſaid fine, and all fees due for or concerning the ſaid fine, to be diſtributed in ſuch manner as fines and fees of this kind have uſually been, and not otherwiſe; which ſaid officer and officers ſhall make an increaſe to the plaintiff or plaintiffs of ſo much in their coſts, to be taxed againſt the ſaid defendant and defendants. *Capias pro fine* taken away. 5 Mod. 285. 1 Salk. 54. Fine turned into coſts.

CAP. XIII.

An act to repeal the ſtatute made in the tenth year of King Edward *the Third, for finding ſureties for the good abearing, by him or her that hath a pardon of felony.*

10 Ed. 3. ſtat. 2. c. 3.

WHEREAS *by one act made at the parliament holden in the tenth year of the reign of King* Edward *the Third, it was amongſt other things enacted, That in caſe the King ſhould grant any charters of pardon, of manſlaughter, robbery, felonies, and other treſpaſſes againſt the peace, that, within three months after the making the ſame, they that ſhould have the ſaid charters, ſhould come and find (before the ſheriffs and coroners of the counties where the felonies were done) ſix good and ſufficient mainpernors, for whom the ſaid ſheriffs and coroners would anſwer, that they from thenceforth ſhould bear themſelves well and lawfully; and that the mainprizes ſhould be ſealed with their ſeals, and returned into* Chancery *within three weeks after the end of the ſaid three months; and that if they that ſhould have ſuch charters, would in time to come aid themſelves thereby, and ſhould not find ſuch mainprizes, or after ſuch mainprize found, ſhould bear themſelves otherwiſe againſt the peace than they ought, their charters ſhould be holden for none: which ſtatute hath been found very inconvenient, in relation to divers perſons, who have been eſteemed fit objects of mercy; and therefore the ſaid ſtatute hath been ſeldom put in practice, but for the moſt part hath been diſpenſed withal in the charters of pardons that were granted in former reigns: And foraſmuch as by one act made in the firſt year of their now Ma-*

1 W. & M. ſt. 2. c. 2.

jeſties reign, intituled, An act for declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown, *it was enacted, That from and after that ſeſſion of parliament, no diſpenſation by* non obſtante *of or to any ſtatute or any part thereof ſhould be allowed, but that the ſame ſhould be held void and of none effect; whereby divers of their Majeſties ſubjects are rendered leſs capable of their Majeſties mercy than before, it being very difficult, if not impoſſible, to find ſix ſubſtantial perſons, who will adventure to be bound for the good behaviour of any perſon needing a pardon during his life:*

II. Be it therefore enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That the ſaid act made in the tenth year of King *Edward* the Third, and every article and clauſe therein, ſhall be and are repealed and annulled, and are hereby declared to be repealed and annulled, to all intents and purpoſes whatſoever. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That if any charter of pardon be pleaded by any perſon, for any felony, the juſtices, before whom ſuch pardon ſhall be pleaded, may at their diſcretion remand or commit ſuch perſon to priſon, there to remain until he or ſhe ſhall enter into a recognizance, with two ſufficient ſureties, for his or her being of the good behaviour for any time not exceeding ſeven years. Provided, That if any

10 Ed. 3. ſtat. 1. c. 3. repealed.

Perſons pardoned even feme coverts and infants, may be required to give ſecurity for good behaviour for 7 years.

any ſuch charter of pardon be pleaded by a feme covert or infant, ſuch feme covert or infant may find two ſufficient ſureties, who ſhall enter into a recognizance for him or her being of the good behaviour as is aforeſaid.

CAP. XIV.

An act for raiſing money by a poll, payable quarterly for one year, for carrying on a vigorous war againſt France.

An explanation of clauſe in 5 & 6 W. & M. cap. 7. viz. that thoſe that have fortunate lots ſhall have the advantage of blanks for other ſums.

AND whereas it was the true intent and meaning of an act of this preſent ſeſſion of parliament, entituled, *An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt* France, That in caſe any perſon ſhould contribute, or adventure ſeveral intire ſums of ten pounds, in manner as is therein mentioned, that ſuch perſon ſhould not by any fortunate lot, be any ways barred of the yearly ſum of one pound for any other intire ſum of ten pounds, contributed or adventured by ſuch perſon as aforeſaid, which may be conceived as a doubt, by reaſon of ſome obſcure words in the ſaid act. For the explaining whereof, it is hereby declared and enacted, That every perſon which hath or ſhall contribute or adventure ſeveral intire ſums of ten pounds in manner aforeſaid, every ſuch perſon, his or her executors, adminiſtrators and aſſigns, ſhall have, receive and enjoy, for and during the term of ſixteen years therein mentioned, the ſeveral yearly ſums of one pound for every ſum of ten pounds ſo contributed or to be contributed by him or her, as aforeſaid; excepting only for ſuch ſum of ten pounds, which ſhall be intituled to ſuch fortunate lot, as aforeſaid. And be it further enacted by the authority aforeſaid. That the monies which ſhall ariſe by the rates and duties of exciſe upon beer, ale and other liquors by the ſaid act granted, during the laſt three years of the term of ſixteen years, for which the ſame are thereby granted, or ſo much of the ſaid monies ariſing during the ſaid laſt three years, as ſhall remain, after all arrearages (if any ſuch ſhall be) of the annuities or yearly or other payments, to be made for the monies which are or ſhall be contributed or adventured, purſuant to the ſaid act, ſhall be fully ſatisfied, ſhall be reſerved and diſpoſed as ſhall hereafter be directed by act of parliament, and not otherwiſe; any thing in the ſaid act contained to the contrary notwithſtanding.

Exciſe for three laſt years of the ſixteen years ſhall be diſpoſed by parliament.

CAP. XV.

An act for continuing the act for puniſhing officers and ſoldiers, who ſhall mutiny or deſert their Majeſties ſervice, and for puniſhing falſe muſters, and for the payment of quarters, for one year longer. EXP.

CAP. XVI.

An act for the importation of ſalt petre for one year. EXP.

CAP.

CAP. XVII.

An act for the exportation of iron, copper, and mundick metal.

28 Ed. 3. c. 5. 33 H. 8. c. 7. 2 & 3 Ed. 6. c. 37.

WHEREAS *by ſeveral ſtatutes, the one made in the eight and twentieth year of the reign of* Edward *the Third, and the other in the three and thirtieth year of the reign of King* Henry *the Eighth, and another in the ſecond year of the reign of* Edward *the Sixth, late Kings of* England, *iron, copper, and bell-metal, are prohibited to be exported out of this realm, under ſeveral penalties in the ſaid ſtatutes reſpectively contained:* For the better encouragement of the working of copper mines within their Majeſties dominions.

Iron, &c. to be exported. *By 7 Anne, c. 8. ſ. 8. Britiſh Copper may be exported duty free.*

II. Be it therefore enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March*, one thouſand ſix hundred ninety four, it ſhall and may be lawful to and for any perſon or perſons whatſoever, bodies politick or corporate, to ſhip and export all and all manner of iron, copper, or mundick metal out of this realm of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*; except unto or for the uſe of the *French* King, or any of his ſubjects reſiding within his dominions, or in to or for any port or place within his ſaid dominions, during the preſent war between their Majeſties and the *French* King, paying the duties and cuſtoms by law payable for the ſame; the ſaid recited ſtatutes, or any other ſtatute, law or uſage, to the contrary thereof in any wiſe notwithſtanding.

Pot-metal, &c. excepted.

III. Provided that this act ſhall not extend to the exportation of any pot-metal, gun-metal, ſhruff-metal, or any old metal, or any mixture therewith, or of any copper or other metal, than what is made of *Engliſh* ore only.

CAP. XVIII.

EXP. An act for enabling their Majeſties to make grants, leaſes, and copies of offices, lands, and hereditaments, parcel of their duchy of *Cornwall*, or annexed to the ſame, and for confirmation of leaſes and grants already made. Grants by King *Charles* Second, &c. of any part or parcel of the duchy of *Cornwall* good. Grants to be for 31 years, or determinable upon 3 lives. Not diſpuniſhable of waſte. Uſual rent. Covenants, &c. to bind reverſioners. Saving to all their rights, except the King, &c. Tenants compounding for the increaſed rent, old rent only to ſtand. Fees for grants of ſmall value. Penalty upon officers offending.

CAP. XIX.

EXP. An act for raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety four, although the month's pay formerly advanced be not repaid.

CAP.

CAP. XX.

An act for granting to their Majeſties ſeveral rates and duties upon tunnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds, towards the carrying on the war againſt France.

Moſt gracious ſovereigns,

WE your majeſties moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, for the further ſupply of your Majeſties extraordinary occaſions, for and towards the neceſſary defence of your realms, do humbly preſent your Majeſties with the further gift of the impoſitions, rates, and duties herein after mentioned; and do beſeech your Majeſties that it may be enacted:

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That for and during the term of four years, commencing from the firſt day of *June*, in the year of our Lord one thouſand ſix hundred ninety and four, there ſhall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto and for the uſe of their Majeſties, their heirs and ſucceſſors, for and upon the tunnage of all ſhips and veſſels, wherein at any time or times, and for every time, during the ſaid term of four years, there ſhall be imported any goods or merchandizes into this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, from any the parts, places, or countries hereafter mentioned, or wherein, during the ſaid term, there ſhall be carried coaſtwiſe from any port, member or creek, in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, unto any other port creek or member, within the ſame kingdom, dominion, port, or town, the ſeveral and reſpective rates, impoſitions, duties and ſums of money herein after mentioned (that is to ſay) (1) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares, or merchandizes from the *Eaſt Indies* or any parts ſouthward or eaſtward of *cabo bona Speranza*, the ſum of thirty ſhillings. (2) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes, from any ports or places in *Italy* or *Turkey*, the ſum of fifteen ſhillings. (3) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes, from any ports or places in *Portugal* or *Spain*, the ſum of ten ſhillings. (4) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares, or merchandizes, from any the plantations, lands

Tunnage upon ſhips given for 4 years.

For the continuance hereof for 5 years ſee 7 & 8 W. 3. c. 31.

Several rates.

Eaſt India, &c. 30s.

Italy, Turkey, 15s.

Portugal, Spain, 10s.

Weſt Indies, 10s.

lands or places in the *Weſt Indies*, the ſum of ten ſhillings.

Holland, &c. 3s. (5) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes, from *Holland*, or any the *United Provinces*, or from the *Netherlands* or *Flanders*,

Norway, &c. 5s. the ſum of three ſhillings. (6) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes, from *Norway*, *Hamborough*, or the *Baltick Sea*, or from any the eaſtland countries, or from any other ports or

Ireland, Scotland, 2s. places north of *Holland*, the ſum of five ſhillings. (7) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes from *Ireland* or *Scot-*

Streights, 15s. *land*, the ſum of two ſhillings. (8) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes, from any port or place in the *Mediterranean* ſea (not otherwiſe charged in this act) the ſum of fifteen ſhil-

Guinea, Africa, 20s. lings. (9) For every tun of the burthen or contents of any ſhip or veſſel, importing goods, wares or merchandizes, from the parts or coaſts of *Guinea* or *Africa*, without the *Streights*, the

Hudſon's Bay, 20s. ſum of twenty ſhillings. (10) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes from *Hudſon's Bay*, or any place within the limits

Canaries, 10s. of that company's charter, the ſum of twenty ſhillings. (11) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes from the *Canaries*, *Madera's*, or any the weſtern iſlands, the ſum of ten ſhillings.

Greenland, &c. 10s. (12) For every tun of the burthen, or contents of any ſhip or veſſel, importing goods, wares or merchandizes from any ports or places in *Greenland*, *Muſcovia*, or *Ruſſia*, the ſum of ten

Coaſters, 6d. ſhillings. (13) For every tun of the burthen, or contents of any ſhip or veſſel, uſed or employed in the coaſting trade from port to port in *England*, *Wales*, or *Berwick* upon *Tweed*, the ſum of ſix pence.

Tunnage to be paid upon arrival at a port. III. And be it further enacted by the authority aforeſaid, that the ſaid ſeveral rates, duties and ſums of money herein before mentioned, and hereby impoſed upon the tunnage of ſhips or veſſels ſhall be accounted, taken and paid according to the meaſure of ſuch ſhips or veſſels which ſhall be made and taken by their Majeſties officers in the reſpective ports or places where they ſhall arrive, and that the maſter or owners or freighters of all ſuch ſhips or veſſels importing goods inwards, or carrying goods coaſt-wiſe, as aforeſaid, ſhall, upon every arrival of any ſuch ſhips or veſſels at the port or place of their diſcharge or unlading in *England* or *Wales*, or at the town or port of *Berwick* upon *Tweed*, cauſe and procure ſuch ſhips or veſſels to be entred in the cuſtom houſe of, or belonging to ſuch port or place, and all the time of ſuch entry, and before any goods or merchandizes, ſhall be unladen out of any ſuch ſhips or veſſels, ſhall either pay down in ready money to their Majeſties officers of the cuſtoms in ſuch port or place, for the uſe of their Majeſties, the ſaid duties and ſums of money due and payable for the tunnage of all ſuch ſhips or veſſels, or elſe ſhall give good and

Maſter, &c. of ſhip importing or coaſter, ſhall upon arrival, pay the tax or give ſecurity.

and ſufficient ſecurity, by bond to their Majeſties, with ſureties, to be approved by the ſaid officers of the cuſtoms, to pay the ſaid duties and ſums to their Majeſties uſe, within the ſpace of one month next after the clearing of the ſhip; and where the duties ſhall be paid down, the parties paying the ſame, ſhall have an allowance by way of rebate or deduction out of the ſame, after the rate of ten pounds *per centum per annum*, for every hundred pounds, which ſuch duties ſo paid down ſhall amount unto; and in caſe any goods, wares or merchandize imported or carried coaſt-wiſe, as aforeſaid, ſhall be unſhipped, to be laid on land, before the duties or ſums of money before mentioned, due or payable for the tunnage of ſuch ſhips or veſſels importing or carrying goods coaſt-wiſe, as aforeſaid, ſhall be paid down or ſecured, as aforeſaid, that then every ſuch ſhip or veſſel out of which any ſuch goods or merchandizes ſhall be unladen before payment made or ſecurity given for the ſaid duties, together with the guns, tackle, ammunition and apparel of the ſame, ſhall be forfeited and loſt, one moiety of which forfeitures ſhall be to their Majeſties, their heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall ſeize, ſue, or inform for the ſame, to be recovered in any of their Majeſties courts of record at *Weſtminſter*, by action of debt, bill, plaint or information, wherein no eſſoin, protection or wager of law ſhall be allowed. And over and beſides the ſaid forfeitures, the maſter, owners, and freighters of every ſuch ſhip ſhall be liable and chargeable to their Majeſties, their heirs and ſucceſſors, for the ſaid duties of tunnage which ſhall not be paid or ſecured, as aforeſaid.

Rebate for preſent payment.

Penalty.

Ship forfeited and maſter liable to pay.

IV. And be it further enacted by the authority aforeſaid, That the aforeſaid reſpective duties upon the tunnage of ſhips or veſſels importing goods or merchandizes from parts beyond the ſeas, or from *Scotland*, ſhall be paid and born by the merchant freighters, and by the maſter and owners of ſuch ſhips or veſſels by way of average amongſt themſelves (that is to ſay) two third parts thereof ſhall be born by the merchants and freighters of ſuch ſhips or veſſels in proportion, according to their reſpective ſhares or intereſts of or in the freight, and the other third part to be born by the maſters or owners of ſuch ſhips or veſſel, who are hereby required and enjoined to bear and pay the ſame accordingly; and the ſaid duty of tunnage of ſhips or veſſels uſed in, or employed in the coaſting trade from port to port, as aforeſaid, ſhall be paid and born by the maſter or owners of ſuch ſhips or veſſels.

Tax upon importer ſhall be born, two thirds by the merchant, and one third by the owner.

Owners of coaſters pay the whole.

V. Provided always, and be it enacted by the authority aforeſaid, That all ſhips belonging to the company of merchants of *London*, trading to *Greenland*, importing oyl, blubber, whale fins, or any other merchandize from thence, ſhall pay ten ſhillings *per* tun only for ſuch oyl, blubber, whale fins and other merchandize as ſhall be really and *bona fide* brought home in any of the ſaid company's ſhips, and not be obliged to pay according to the meaſure of the ſhipping, any thing herein contained to the contrary notwithſtanding.

Ships from Greenland only chargeable for goods really imported.

VI. Pro-

Newfoundland 10s. *per* tun for goods really imported.

VI. Provided always, and be it enacted by the authority aforeſaid, that all ſhips trading to *Newfoundland*, importing train oyl, or any other merchandize from thence, ſhall pay ten ſhillings *per* tun only for ſuch train oyl or other merchandize as ſhall be really and *bona fide* brought home, and not be obliged to pay according to the meaſure of the ſhipping; any thing herein contained to the contrary notwithſtanding.

If a peace, ſhips from *France* how charged.

VII. Provided always, and be it further enacted, That if a peace ſhall be made and declared between their Majeſties and the *French* King, at any time during the continuance of the duty charged by this act upon the tunnage of ſhips and veſſels, then and in ſuch caſe, all ſhips and veſſels importing any goods or merchandize from any of the *French* Kings territories in *Europe* without the *ſtreights*, ſhall pay the like duty of tunnage, as any ſhips or veſſels importing goods from *Portugal* are charged with by this act, over and above all other duties payable for ſuch ſhips and veſſels.

Sand, &c. from port to port ſaved.

VIII. Provided always, and be it enacted by the authority aforeſaid, That this act, nor any thing therein contained, ſhall not extend to charge, or lay any duty upon any barge employed in carrying ſand, lime, or ſlate-ſtone from port to port, within the kingdom of *England*, and dominion of *Wales*, for, or in reſpect of any ſuch lading only; any thing herein before contained to the contrary in anywiſe notwithſtanding.

Ships how meaſured.

Another way of meaſuring, ordered by 6 & 7. W. 3. cap. 12. ſ. 10.

IX. And be it further enacted and declared, That all ſhips and veſſels, importing goods and merchandize from foreign parts, as well as all coaſting veſſels, liable to the payment of the duties of tunnage, by this act impoſed, ſhall be gauged and meaſured according to the rule printed with the book of rates, publiſhed in the year one thouſand ſix hundred ſeventy one, (that is to ſay) every ſingle decked ſhip or veſſel, ſhall be meaſured by the length of the keel taken within board (ſo much as ſhe treads upon the ground) and the breadth to be taken within board, by the midſhip beam, from plank to plank, and the depth of the hold, from the plank below the kelſey, to the under part of the deck-plank; and for a two decked ſhip, (which carries goods between decks) the depth of her hold to be taken from the plank below the kelſey, to the under part of the upper deck-plank, and the length and breadth as before; then multiply the length by the breadth, and the product thereof by the depth, and divide the whole by ninety four, and the quotient will give the true contents of the tunnage, according to which method and rule, all ſhips and veſſels ſhall be meaſured, and the ſeveral duties of tunnage thereby be computed and collected accordingly, any cuſtom, practice, or uſage to the contrary notwithſtanding.

Exciſe granted upon beer, &c. 2 W. & M. ſ. 2. c. 10.

X. *And whereas by an act of parliament made in the ſecond year of their Majeſties reign, intituled*, An act for granting to their Majeſties ſeveral additional duties upon beer, ale, and other liquors, for four years, from the time that an act for doubling the duty of exciſe upon beer, ale, and other liquors during the ſpace of one year,

year, doth expire; *it was enacted, That from and after the ſeventeenth day of* November, *in the year of our Lord one thouſand ſix hundred ninety and one, there ſhould be throughout their Majeſties kingdom of* England, *dominion of* Wales, *and town of* Berwick *upon* Tweed, *raiſed, levied, collected, and paid, unto their Majeſties, their heirs and ſucceſſors, during the ſpace and term of four years, and no longer, for beer, ale, cyder, and other liquors therein mentioned, by way of exciſe, over and above all other duties, charges, and impoſitions, by any former act or acts, which ſhould be then unexpired, ſet, and impoſed, in ſuch manner, as therein is mentioned; which rates and duties aforeſaid, by act of parliament made in the third and fourth years of their now Majeſties reign, are continued until the ſeventeenth day of* May, *one thouſand ſix hundred and ninety ſeven:* be it further enacted, That for the further encouragement of ſuch perſons, who ſhall voluntarily contribute towards the raiſing and paying into their Majeſties *Exchequer* any ſum or ſums, not exceeding in the whole the ſum of fifteen hundred thouſand pounds, upon the ſeveral terms and recompences herein after mentioned, that from and after the ſeventeenth day of *May*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and ſeven, there ſhall be throughout their Majeſties kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, for beer, ale, cyder, and other liquors, herein after expreſſed, by way of exciſe, over and above all duties, charges, and impoſitions, by any former act or acts then unexpired, ſet, and impoſed, one moiety or half part of the ſeveral rates and duties of exciſe granted by the ſaid laſt mentioned act, in manner and form following (that is to ſay) (1) For every barrel of beer or ale, above ſix ſhillings the barrel, excluſive of the duty of exciſe, brewed by the common brewer, or any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, nine pence. (2) For every barrel of beer, or ale, of ſix ſhillings the barrel or under, brewed by the common brewer, or any other perſon or perſons who ſhall ſell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, as aforeſaid, and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame, three pence. (3) For every barrel of vinegar, or vinegar beer, brewed or made of any *Engliſh* materials, by any common brewer, or any other perſon for ſale, to be paid by the maker thereof, and ſo proportionably for a greater or leſſer quantity, over and above the duties of exciſe payable for the ſame, one ſhilling ſixpence. (4) For every barrel of vinegar, or liquor prepared for vinegar, made here for ſale, that hath run through rape, or made with or paſſing through any foreign materials, or any mixture with foreign materials, to be paid by the maker thereof, and ſo proportion-

The ſeveral rates, beer, &c. 6s. or above 9d. *for the appropriation of theſe duties, ſee* 1 Geo. 1. ſtat. 2. c. 12. ſ. 12. and 6 Geo. 1. c. 4. beer, &c. 6s. or under, 3d.

Vinegar *Engliſh*, 1s. 6d.

Vinegar foreign, 4s. *The duties on vinegar are altered by* 10 and 11 W. 3. c. 21.

portionably for a greater or leſſer quantity, four ſhillings. (5) For every barrel of beer, ale, or mum, imported from beyond the ſeas, or from the iſlands of *Guernſey* or *Jerſey*, and ſo proportionably for a greater or leſſer quantity, to be paid by the importers before landing, over and above the duties payable for the ſame, three ſhillings. (6) For every tun of cyder or perry imported from beyond the ſeas, and ſo proportionably for a greater or leſſer quantity, to be paid by the importers before landing, over and above the duties payable for the ſame, four pounds. (7) For every gallon of ſingle brandy, ſpirits, or *aqua vitæ*, imported from beyond the ſeas, to be paid by the importers before landing, over and above the duties payable for the ſame, ſixpence. (8) For every gallon of brandy, ſpirits, or *aqua vitæ*, above proof, commonly called *double brandy*, imported from beyond the ſeas, to be paid by the importers before landing, over and above the duties payable for the ſame, one ſhilling. (9) For all cyder and perry made and ſold by retail, upon every hogſhead, to be paid by the retailer thereof, over and above the duties payable for the ſame, and ſo proportionably for a greater or leſſer meaſure, one ſhilling three pence. (10) For all metheglin or mead made for ſale, whether by retail or otherwiſe, to be paid by the maker, for every gallon three pence.

ſ. 8 and 15. beer, mum, &c. imported, 3s.

Cyder, &c. imported per tun, 4l.

Brandy ſingle *per* gallon 6d.

Brandy double 1s.

Cyder retailed *per* Hogſhead, 1s. 3d.

Mead, &c. *per* gallon, 3d.

How to be levied.

XI. And be it enacted by the authority aforeſaid, That the ſaid ſeveral rates, duties and impoſitions, upon beer, ale, cyder, and other liquors aforeſaid, be levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned in the act made in the twelfth year of the reign of King *Charles* the Second, intituled *An act for taking away the court of wards and liveries, and tenures* in capite, *and by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*: And alſo in and by another act made in the twelfth year of the reign of the ſaid late King *Charles* the Second, intituled, *A grant of certain impoſitions upon beer, ale, and other liquors, for the increaſe of his Majeſties revenue during his life*: And alſo in and by another act made in the fifteenth year of the reign of the ſaid late King *Charles* the Second, intituled, *An additional act for the better ordering and collecting the duty of exciſe, and preventing the abuſes therein*, or by any other law in force relating to the ſaid revenue of exciſe; and that the aforeſaid acts, and every article, rule, and clauſe therein mentioned, as for and concerning only the rates, duties, and impoſitions upon beer, ale, and other liquors by this act granted, ſhall be of full force and effect to all intents and purpoſes, in like manner as if the ſame were at large and particularly recited and ſet down in the body of this act.

12 Car. 2. c. 24.

12 Car. 2. c. 23. 15 Car. 2. c. 11.

Commiſſioners of exciſe and cuſtoms to keep theſe duties apart.

XII. And be it further enacted by the authority aforeſaid, That the commiſſioners and governors for management and receipt of the exciſe, and commiſſioners and other officers of the cuſtoms reſpectively, at the head office in *London*, for the time being, ſhall ſeparate and keep apart all and every the monies

ariſing

ariſing by the ſeveral rates and duties by this granted, as the ſame ſhall from time to time ariſe, or be paid into the ſaid office of exciſe, or unto the receiver general of the cuſtoms for the time being reſpectively, by the receivers or collectors of the ſame, or by any other perſon whatſoever; and the comptroller of the exciſe, and the comptroller of the cuſtoms for the time being, or their reſpective deputies, ſhall keep a perfect and diſtinct account, in books fairly written, of all the rates and duties ariſing by this act, to which all perſons ſhall have free acceſs, at all ſeaſonable times, without fee or charge: and the ſaid commiſſioners and governors of exciſe, and the ſaid commiſſioners of the cuſtoms for the time being, are hereby required and ſtrictly enjoined from time to time to pay weekly, *videlicet*, on *Wedneſday* in every week, if it be not a holiday, and if it be, then the next day after that is not a holiday, all and every the monies ariſing by the rates and duties hereby granted, into the receipt of their Majeſties *Exchequer*, diſtinct and apart from the other monies, which the ſaid commiſſioners and governors reſpectively ſhall receive for the uſe of their Majeſties, their heirs and ſucceſſors.

and pay the money weekly into the Exchequer,

XIII. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties *Exchequer*, that is to ſay, in the office of the auditor of the receipt, one book, in which all the ſaid weekly monies, which ſhall be paid into the *Exchequer* as aforeſaid, ſhall be entred apart and diſtinct from all other monies paid and payable to their Majeſties, their heirs and ſucceſſors, upon any account whatſoever.

where it is to be regiſtred.

XIV. And be it further enacted, That if the ſaid commiſſioners and governors reſpectively for the time being, ſhall refuſe or neglect to pay into the *Exchequer* all or any the ſaid weekly ſums appointed to be paid as aforeſaid, in ſuch manner as they are before by this act required to do, or ſhall divert or miſapply any part of the ſame, or if ſuch comptroller ſhall neglect his duty in keeping ſuch accounts as aforeſaid, then he or they for any ſuch offence ſhall forfeit their reſpective offices or places, and be incapable of any office or place of truſt whatſoever; and ſuch commiſſioner or commiſſioners in ſuch caſe offending ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied, to any perſon or perſons who will ſue for the ſame by any action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, ſhall be granted or allowed.

Penalty upon commiſſioners offending.

XV. Provided always, and be it enacted, That it ſhall and may be lawful to and for their Majeſties, their heirs and ſucceſſors, out of the ſaid duties ariſing by the tunnage of ſhips and veſſels, to cauſe ſuch ſum and ſums of money to be expended and paid from time to time for ſalaries, or other incident charges, as ſhall be neceſſary in and for the receiving, collecting, levying, or managing of the ſame duties upon the tunnage of

The King may order officers ſalaries, &c. out of the duties.

ſhips and veſſels, during the ſaid term herein by this act granted; any thing in this act contained to the contrary notwithſtanding. EXP.

Exciſe office to be continued in London.

XVI. And be it further enacted by the authority aforeſaid, That the head office of exciſe, which is now eſtabliſhed within the city of *London*, ſhall be continued and be within the ſaid city, or ten miles thereof, for ever, and a ſufficient number of commiſſioners therein, from time to time, ſhall be continued or appointed by their Majeſties, their heirs and ſucceſſors, to govern and manage the receipt of exciſe, and to perform and execute the ſeveral matters and things hereby enjoined to be done and executed by ſuch commiſſioners; and that in like manner there ſhall be continued and be within the ſaid city, or ten miles thereof, for ever, by the appointment of their Majeſties, their heirs and ſucceſſors, a comptroller of exciſe to keep the accounts before mentioned.

140,000l. to be a yearly fund.

XVII. And be it further enacted by the authority aforeſaid, That yearly and every year, reckoning the firſt year to begin from the firſt day of *June*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and four, the full ſum of one hundred and forty thouſand pounds, by or out of the monies to ariſe by the ſaid ſeveral duties upon the tunnage of ſhips and veſſels, and by the ſaid rates and duties of exciſe hereby granted, or any of them, and to be brought into the receipt of the *Exchequer* by weekly payments as aforeſaid, (in caſe the ſaid weekly payments ſhall extend thereunto) ſhall be the whole and entire yearly fund; and in caſe the ſaid weekly payments ſhall not amount to one hundred and forty thouſand pounds *per annum*, then the ſaid weekly monies or payments, ſo far as the ſame will extend, ſhall be part of the yearly fund for and towards the anſwering and paying off the ſeveral and reſpective annuities herein after mentioned, and for other the purpoſes hereafter in this act expreſſed; and in caſe the ſaid duties upon the tunnage of ſhips and veſſels, and the ſaid rates and duties of exciſe by this act granted, or any of them, ſhall at any time or times appear to be ſo deficient or low in the produce of the ſame, as that within any one year, to be reckoned as aforeſaid, the weekly payments upon the ſame rates or duties, or any of them, ſhall not amount to ſo much as one hundred and forty thouſand pounds, or to ſo much as ſhall be ſufficient to diſcharge and ſatisfy the ſaid ſeveral and reſpective annuities, and other benefits or advantages by this act appointed or intended to be paid, within or for the ſame year reſpectively, that then and ſo often, and in every ſuch caſe, the commiſſioners of their Majeſties treaſury, and the under treaſurer, of the *Exchequer* now being, and the treaſurer and under treaſurer of the *Exchequer*, or commiſſioners of the treaſury for the time being, are hereby ſtraitly enjoined and required by virtue of this act, and without any further or other warrant to be ſued for, had, or obtained from their Majeſties, their heirs or ſucceſſors in this behalf, to cauſe every ſuch deficiency to be made good, by applying, iſſuing, or paying ſo much of any treaſure or revenue, belonging or to belong to their Majeſties, their

The reſt of the revenue charged, if theſe duties fall ſhort.

their heirs or ſucceſſors, (not being appropriated to any particular uſe or uſes by any act or acts of parliament) towards the diſcharging or paying off the ſaid annuities or other benefits or advantages appointed to be paid by this act, as together with the monies which ſhall have been brought into the ſaid receipt, of or for the ſaid ſeveral rates or duties hereby granted, ſhall be ſufficient to pay off and diſcharge, and ſhall compleatly pay off and diſcharge, all the monies which within the ſame year reſpectively ſhall be grown due, or ought to be paid upon the ſaid annuities, or other benefits or advantages, according to the true intent and meaning of this preſent act.

The 140,000l. to be kept apart in the Exchequer.

XVIII. And be it further enacted by the authority aforeſaid, That for the better raiſing and paying into the receipt of the *Exchequer* the ſum of twelve hundred thouſand pounds, part of the ſum of fifteen hundred thouſand pounds, the yearly ſum of one hundred and forty thouſand pounds, ariſing by and out of the duties and impoſitions granted by this act, ſhall be kept ſeparate and apart in the ſaid receipt of *Exchequer*, to be paid over from time to time unto ſuch perſon and perſons, and in ſuch manner, proportion, and form, as is herein after directed.

Their Majeſties may make commiſſioners to take ſubſcription for 1,200,000l.

XIX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for their Majeſties, by commiſſion under the great ſeal of *England*, to authorize and appoint any number of perſons to take and receive all ſuch voluntary ſubſcriptions as ſhall be made on or before the firſt day of *Auguſt*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety four, by any perſon or perſons, natives or foreigners, bodies politick or corporate, for and towards the raiſing and paying into the receipt of *Exchequer* the ſaid ſum of twelve hundred thouſand pounds, part of the ſum of fifteen hundred thouſand pounds, and that the yearly ſum of one hundred thouſand pounds, part of the ſaid yearly ſum of one hundred and forty thouſand pounds, ariſing by and out of the ſaid duties and impoſitions before mentioned, ſhall be applied, iſſued, and directed, and is hereby appropriated, to the uſe and advantage of ſuch perſon and perſons, bodies politick and corporate, as ſhall make ſuch voluntary ſubſcriptions and payments, their heirs, ſucceſſors, or aſſigns in the proportion hereafter mentioned (that is to ſay) that each weekly or other payment ariſing by and out of the duties and impoſitions granted by this act, ſhall, by the auditor of the receipt of *Exchequer*, from time to time, as the ſame ſhall be paid in, be ſeparated and divided into five ſeventh parts and two ſeventh parts, which is according to the proportion of the ſaid yearly ſum of one hundred thouſand pounds, to the ſaid yearly ſum of one hundred and forty thouſand pounds, which five ſeventh parts, of the ſaid ſeveral payments ariſing by and out of the duties and impoſitions granted by this act, and ſo ſet apart, is and are hereby intended and appropriated for and towards the payment and ſatisfaction of the ſaid yearly ſum of one hundred thouſand pounds, and ſhall from time to time be iſſued and paid, as the ſame ſhall come into the ſaid receipt

100,000l. annually appropriated to the ſubſcribers.

Auditor of the Exchequer to ſet apart five ſeventh parts of the weekly payments for the ſubſcribers *Surplus applied to the aggregate fund.* 1 Geo. 1. ſtat. 2. c. 12. ſ. 12.

ceipt of *Exchequer*, to the uſes and advantages of ſuch ſubſcribers and contributors, their heirs, ſucceſſors, or aſſigns, as ſhall ſubſcribe and contribute for and towards the raiſing and paying into the receipt of *Exchequer* the ſaid ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds.

King may appoint rules for transferring,

XX. And be it further enacted, That it ſhall and may be lawful to and for their Majeſties, by letters patents under the great ſeal of *England*, to limit, direct, and appoint, how and in what manner and proportions, and under what rules and directions, the ſaid ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds, and the ſaid yearly ſum of one hundred thouſand pounds, part of the ſaid yearly ſum of one hundred and forty thouſand pounds, and every or any part or proportion thereof, may be aſſignable or transferrable, aſſigned or transferred, to ſuch perſon or perſons only, as ſhall freely and voluntarily accept of the ſame, and not otherwiſe; and to incorporate all and every ſuch ſubſcribers and contributors, their heirs, ſucceſſors, or aſſigns, to be one body corporate, and politick, by the name of *the governor and company of the bank of* England, and, by the ſame name of *the governor and company of the bank of* England, to have perpetual ſucceſſion, and a common ſeal, and that they and their ſucceſſors, by the name aforeſaid, ſhall be able and capable in law to have, purchaſe, receive, poſſeſs, enjoy, and retain to them and their ſucceſſors, lands, rents, tenements, and hereditaments, of what kind, nature, or quality ſoever; and alſo to ſell, grant, demiſe, aliene, or diſpoſe of the ſame, and by the ſame name to ſue and implead, and be ſued and impleaded, anſwer and be anſwered, in courts of record, or any other place whatſoever, and to do and execute all and ſingular other matters and things by the name aforeſaid, that to them ſhall or may appertain to do; ſubject nevertheleſs to the proviſo and condition of redemption herein after mentioned.

and make the ſubſcribers a corporation by name of the bank, &c.

Subject to redemption.

Proportionable part of the fund upon part of the ſum advanced.

XXI. Provided always, and it is hereby further enacted, That in caſe the whole ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds, ſhall not be advanced and paid into the receipt of *Exchequer* before the firſt day of *January*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety four, that then the ſubſcribers and contributors for and towards the raiſing and paying of the ſaid ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds, their heirs, ſucceſſors and aſſigns, ſhall only have and receive ſo much, and ſuch part and proportion to the ſaid ſum and ſums ſo reſpectively paid and advanced, as ſhall be after the rate of eight pounds *per centum per annum*; and that at any time upon twelve months notice, after the firſt day of *Auguſt*, which ſhall be in the year of our Lord one thouſand ſeven hundred and five, upon repayment by parliament, of the ſaid ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds, or ſuch part thereof

The 1200,000l. redeemable after 1705, upon

thereof as ſhall be paid and advanced as aforeſaid, unto the reſpective ſubſcribers and contributors of the ſaid ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds, or ſuch part thereof as ſhall be paid and advanced, their heirs, ſucceſſors, or aſſigns, and of all the arrears of the ſaid yearly payments of one hundred thouſand pounds, part of the ſaid yearly payments of one hundred and forty thouſand pounds, or ſuch proportionable part thereof according to the ſum which ſhall be paid and advanced as aforeſaid, then and from thenceforward the ſaid yearly payments, and every of them, of one hundred thouſand pounds, part of the ſaid yearly payments of one hundred and forty thouſand pounds, or ſuch proportionable part as aforeſaid, and every part thereof, and the ſaid corporation, ſhall abſolutely ceaſe and determine; any thing herein contained in any wiſe to the contrary notwithſtanding.

a year's notice, and corporation to ceaſe. 7 Annæ, c. 7. ſ. 5.

XXII. And for the better and more ſpeedy payment of the ſaid yearly ſum of one hundred thouſand pounds, part of the ſaid yearly ſum of one hundred and forty thouſand pounds, in the proportions herein before mentioned and appointed, the commiſſioners of their Majeſties treaſury, and the under treaſurer of the *Exchequer* now being, and the lord high treaſurer, and under treaſurer, or commiſſioners of the treaſury for the time being, are hereby ſtrictly enjoined and required by virtue of this act, and without any further or other warrant to be ſued for, had or obtained from their Majeſties, their heirs or ſucceſſors, to direct their warrants yearly for the payment of the ſaid yearly ſums of one hundred thouſand pounds, to the contributors of the ſaid ſum of twelve hundred thouſand pounds, in the manner and proportions as is herein before directed and appointed; and the auditor of the receipt of *Exchequer*, and all other officers of the *Exchequer* now and for the time being, are hereby directed and enjoined to iſſue the ſaid monies ſo ſet apart for the uſes before mentioned, from time to time, without any fee or reward, in the manner and proportions before mentioned, and under the like penalties, forfeitures, and diſabilities, as are hereafter inflicted upon any officer for diverting any money appropriated or applied by this act.

Officers of the Exchequer required to pay.

XXIII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, bodies politick or corporate, ſhall by themſelves, or any other perſon or perſons in truſt for him or them, ſubſcribe or cauſe to be ſubſcribed, for and towards the raiſing and paying the ſaid ſum of twelve hundred thouſand pounds, any ſum or ſums of money, exceeding the ſum of twenty thouſand pounds; and that every ſuch ſubſcriber ſhall, at the time of ſuch ſubſcription, pay or cauſe to be paid unto the commiſſioners who ſhall be authorized and appointed for taking and receiving ſubſcriptions as aforeſaid, one full fourth part of his, her, or their reſpective ſubſcriptions, and in default of ſuch payments as aforeſaid, every ſuch ſubſcription ſhall be utterly void and null: and that the reſidue of the ſaid ſubſcriptions ſhall be paid into the receipt of their Majeſties

None to ſubſcribe more than 20,000l.

One fourth part to be paid at the time of the ſubſcription.

If the reſidue be not paid before *January*, the for-

mer ſubſcription forfeited.

ſties *Exchequer*, as their Majeſties ſhall direct, before the ſaid firſt day of *January* next; and in default of ſuch payments, that then the fourth part, firſt paid as aforeſaid, ſhall be forfeited to and for the benefit of their Majeſties, their heirs and ſucceſſors.

Not more than 10,000l. to be ſubſcribed by any perſon before 1 *July*.

XXIV. Provided alſo, and be it enacted, That it ſhall not be lawful to or for any perſon or perſons, natives or foreigners, bodies corporate or politick, at any time or times before the firſt day of *July* next enſuing, to ſubſcribe in his, her, or their own name or names, or in any other name or names in truſt for him, her, or them, for and towards the raiſing and paying into the receipt of the *Exchequer*, the ſaid ſum of twelve hundred thouſand pounds, part of the ſaid ſum of fifteen hundred thouſand pounds, any ſum or ſums, exceeding in the whole the ſum of ten thouſand pounds; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Not to be a corporation except a moiety be advanced before 1 Auguſt.

XXV. Provided always, and be it declared and enacted to be the true intent and meaning of this act, That in caſe the whole ſum of twelve hundred thouſand pounds, or a moiety thereof, be not ſubſcribed on or before the firſt day of *Auguſt*, one thouſand ſix hundred ninety four as aforeſaid, that then the powers and authorities in this act for erecting a corporation as aforeſaid ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding. And in ſuch caſe ſo much of the ſaid yearly ſum of one hundred thouſand pounds as ſhall belong to the ſaid ſubſcribers, according to the meaning of this act, ſhall be transferrable, and may be from time to time tranſferred by the reſpective perſons ſo ſubſcribing, advancing and paying any part of the ſaid twelve hundred thouſand pounds into the *Exchequer*, or their reſpective heirs, ſucceſſors or aſſigns, to any perſon or perſons whatſoever, by any writing or writings under the hand and ſeal of the perſon or perſons transferring the ſame, atteſted by two or more credible witneſſes, and entred within twenty days after the ſealing thereof, in a book or books to be for that purpoſe kept in the ſaid *Exchequer* by their Majeſties remembrancer for the time being (for the entring whereof nothing ſhall be paid) which entries the ſaid remembrancer is from time to time upon requeſt directed to make; and ſuch part of the ſaid yearly ſum of one hundred thouſand pounds, as ſhall by this act be due to the ſaid ſubſcribers, ſhall not at any time or times hereafter be made uſe of, or be a fund or ſecurity for, or liable or applied to raiſe, pay or ſecure any more, further or other ſum or ſums of money whatſoever, ſave only ſuch money as ſhall in purſuance of, and according to the intent of this act, be advanced and paid into their Majeſties *Exchequer* within the time by this act limited for the ſame.

Subſcribers may transfer, if moiety not advanced.

Proportionable part for payment of leſs than moiety.

Corporation not to borrow above 1,200,000l. except upon parliament funds.

XXVI. And it is hereby enacted by the authority aforeſaid, that the ſaid corporation ſo to be made, ſhall not borrow or give ſecurity by bill, bond, covenant or agreement under their common ſeal for any more, further or other ſum or ſums of money, exceeding in the whole the ſum of twelve hundred thouſand pounds, ſo that they ſhall not owe at any one time more than the ſaid ſum,

ſum, unleſs it be by act of parliament upon funds agreed in parliament; and in ſuch caſe only ſuch further ſums as ſhall be ſo directed and allowed to be borrowed by parliament, and for ſuch time only, until they ſhall be repaid ſuch further ſums as they ſhall borrow by ſuch authority: and if any more, or further or other ſum or ſums of money ſhall be borrowed, taken up, lent, or advanced, under their common ſeal, or for payment of which any bond, bill, covenant or agreement, or other writing ſhall be made, ſealed or given, under the common ſeal of the ſaid corporation ſo to be made; then and in ſuch caſe all and every perſon and perſons who ſhall be a member or members of the ſaid corporation, his and their reſpective heirs, executors, and adminiſtrators, ſhall in his and their reſpective private and perſonal capacities be chargeable with, and liable in proportion to their ſeveral ſhares or ſubſcriptions to the repayment of ſuch monies which ſhall be ſo borrowed, taken up or lent, with intereſt for the ſame, in ſuch manner as if ſuch ſecurity had been a ſecurity for payment of ſo much money, and intereſt for the ſame, ſealed by ſuch reſpective member or members of the ſaid corporation, and delivered by him or them as their reſpective acts and deeds, in proportion to their ſeveral ſhares or ſubſcriptions as aforeſaid; and that in every ſuch caſe an action of debt ſhall and may be brought, commenced, proſecuted and maintained in any of their Majeſties courts of record at *Weſtminſter*, by the reſpective creditor or creditors, to whom any ſuch ſecurity under the common ſeal of the ſaid corporation ſhall be made, or his or their reſpective executors or adminiſtrators, againſt all and every, or any one or more of the perſons who ſhall be members of the ſaid corporation, or any of their reſpective heirs, executors or adminiſtrators, in proportion to their reſpective ſhares or ſubſcriptions as aforeſaid, and therein recover and have judgment for him or them, in ſuch and the like manner, as if ſuch ſecurity were reſpectively ſealed by the reſpective perſon or perſons who ſhall be ſo ſued, or his or their reſpective anceſtor, or teſtator, or inteſtate, and by him and them executed and delivered, as his or their reſpective acts and deeds; any condition, covenant, or agreement, to be made to the contrary thereof in any wiſe notwithſtanding: and if any condition, covenant, or agreement ſhall be made to the contrary, the ſame ſhall be, and is hereby declared to be void; any thing herein contained, or any law or uſage to the contrary notwithſtanding; and in ſuch action or actions ſo to be brought, no privilege, protection, eſſoin, or wager of law, nor any more than one imparlance ſhall be allowed.

See 8 & 9 W. 3. c. 20. ſ. 30. if corporation borrow more, particular members are proportionably charged.

An action of debt ſhall lie againſt particular members

Covenants to the contrary void.

XXVII. And to the intent that their Majeſties ſubjects may not be oppreſſed by the ſaid corporation, by their monopolizing or ingroſſing any ſort of goods, wares or merchandizes, be it further declared and enacted by the authority aforeſaid, That the ſaid corporation to be made and created by this act, ſhall not at any time, during the continuance thereof, deal or trade, or permit or ſuffer any perſon or perſons whatſoever either in truſt or for the benefit of the ſame, to deal or trade with any of the ſtock,

Corporation not to trade with their ſtock

monies or effects of or any ways belonging to the ſaid corporation, in the buying or ſelling of any goods, wares, or merchandizes whatſoever; and every perſon or perſons, who ſhall ſo deal or trade, or by whoſe order or directions ſuch dealing or trading ſhall be made, proſecuted, or managed, ſhall forfeit for every ſuch dealing or trading, and every ſuch order and directions, treble the value of the goods and merchandize ſo traded for, to ſuch perſon or perſons who ſhall ſue for the ſame by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, nor other privilege whatſoever, nor any injunction, order of reſtraint, nor wager of law ſhall be allowed, nor any more than one imparlance.

Penalty.

In what things the corporation may deal.

XXVIII. Provided, That nothing herein contained ſhall any ways be conſtrued to hinder the ſaid corporation from dealing in bills of exchange, or in buying or ſelling bullion, gold, or ſilver, or in ſelling any goods, wares, or merchandize whatſoever, which ſhall really and *bona fide* be left or depoſited with the ſaid corporation for money lent and advanced thereon, and which ſhall not be redeemed at the time agreed on, or within three months after, or from ſelling ſuch goods as ſhall or may be the produce of lands purchaſed by the ſaid corporation.

Bills of the corporation aſſignable.

XXIX. Provided always, and be it enacted by the authority aforeſaid, That all and every bill or bills obligatory and of credit under the ſeal of the ſaid corporation made or given to any perſon or perſons, ſhall and may, by indorſement thereon under the hand of ſuch perſon or perſons, be aſſignable and aſſigned to any perſon or perſons who ſhall voluntarily accept the ſame, and ſo by ſuch aſſignee, *toties quoties*, by indorſement thereupon; and that ſuch aſſignment and aſſignments, ſo to be made, ſhall abſolutely veſt and transfer the right and property in and unto ſuch bill or bills obligatory and of credit, and the monies due upon the ſame; and that the aſſignee or aſſignees ſhall and may ſue for, and maintain an action thereupon in his own name.

Penalty for lending money upon funds not having clauſe of credit.

XXX. Provided always, and it is hereby further enacted, That if the governor, deputy governor, the directors, managers, aſſiſtants, or other members of the ſaid corporation ſo to be eſtabliſhed, ſhall upon the account of the ſaid corporation, at any time or times purchaſe any lands or revenues belonging to the crown, or advance or lend to their Majeſties, their heirs or ſucceſſors, any ſum or ſums of money, by way of loan or anticipation, on any part or parts, branch or branches, fund or funds of the revenues now granted or belonging, or hereafter to be granted or belonging to their Majeſties, their heirs or ſucceſſors, other than ſuch fund or funds, part or parts, branch or branches of the ſaid revenues only, on which a credit of loan is or ſhall be granted by parliament; that then the ſaid governor, deputy governor, directors, managers, or aſſiſtants, or other members of the ſaid corporation, who ſhall conſent, agree to, or approve of, the advancing or lending to their Majeſties, their heirs or ſucceſſors, ſuch ſum or ſums of money as aforeſaid, and each and every of them ſo agreeing, conſenting, or approving, and

and being thereof lawfully convicted, ſhall for every ſuch offence forfeit treble the value of every ſuch ſum or ſums of money ſo lent, whereof one fifth part ſhall be to the informer, to be recovered in any of their Majeſties courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein no protection, wager of law, eſſoin, privilege of parliament, or other privilege ſhall be allowed, nor any more than one imparlance; and the reſidue to be diſpoſed of towards publick uſes, as ſhall be directed by parliament, and not otherwiſe.

Fines upon the corporation detained out of the annual fund.

XXXI. Provided always, and be it enacted, That all amerciaments, fines, and iſſues, againſt the ſaid corporation, and their ſucceſſors, had, charged, or eſtreated, in or upon account of any ſuits or actions to be proſecuted or brought againſt them, ſhall not be pardoned, acquitted, or diſcharged by any letters of ſignet, privy ſeal, or great ſeal of their Majeſties, their heirs or ſucceſſors, or otherwiſe howſoever; and in caſe any ſuch amerciaments, fines, or iſſues, ſhall be eſtreated into their Majeſties *Exchequer* againſt the ſaid corporation, upon any proceſs for non-appearance at the ſuit of any perſon or perſons, that then it ſhall and may be lawful to and for the officers of their Majeſties *Exchequer* for the time being, who are hereby directed to pay the ſaid yearly ſum of one hundred thouſand pounds to the ſaid corporation, to detain ſo much money as the ſaid amerciaments, fines, or iſſues ſhall amount unto, out of the ſaid yearly ſum of one hundred thouſand pounds payable to the ſaid corporation.

Exchequer officers may pay off judgments againſt the corporation.

XXXII. And be it further enacted, That if at any time hereafter any perſon or perſons ſhall obtain any judgment or judgments in any court of law againſt the ſaid corporation for any debt or ſum of money, and ſhall bring execution or executions thereupon unto the ſaid officers of their Majeſties *Exchequer*, that then it ſhall and may be lawful to and for the ſaid officers of the ſaid *Exchequer*, to pay, and they are hereby required to pay, the ſaid ſum or ſums of money, in the ſaid executions mentioned, to the plaintiff or plaintiffs therein named, or their aſſigns, whoſe receipt ſhall be a ſufficient diſcharge for the ſame; and that the ſaid officers of the ſaid *Exchequer* ſhall and may detain ſo much of the ſaid yearly ſum of one hundred thouſand pounds as the ſaid debt or debts ſhall amount unto.

Members of parliament may be concerned in the corporation. 5 & 6 W. & M. c. 7.

XXXIII. *And whereas by an act of this preſent ſeſſion of parliament, intituled, An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt* France, *it is enacted, That no member of the houſe of commons ſhall at any time be concerned in the farming, collecting, or managing any ſum or ſums of money, duties or other aids by the ſaid act or any other act of parliament granted or to be granted to their Majeſties, except the perſons in the ſaid act excepted; and whereas ſome doubts may ariſe, whether any member or members of parliament may be concerned in the corporation to be erected in purſuance of this act*; be it therefore declared and enacted

enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any member or members of the houſe of commons, to be a member or members of the ſaid corporation for the purpoſes in this act mentioned; any thing in the ſaid recited act contained to the contrary in any wiſe notwithſtanding.

Any perſons may contribute towards the raiſing 100,000l. and receive yearly ſums for 1, 2, or 3 lives.

XXXIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſons, natives or foreigners, to contribute towards the advancing of the ſum of three hundred thouſand pounds, other part of the ſaid ſum of fifteen hundred thouſand pounds, by paying into the receipt of their Majeſties *Exchequer*, at any time before the nine and twentieth day of *September*, one thouſand ſix hundred ninety and four, any ſum or ſums of money, not exceeding in the whole the ſum of three hundred thouſand pounds, upon the terms following (that is to ſay) That every ſuch perſon, his executors, adminiſtrators or aſſigns, out of the rates and duties granted by this act, ſhall have and receive for every ſum of one hundred pounds, ſo by them reſpectively advanced and paid, ſuch yearly annuity, rent or payment, as herein after is directed (that is to ſay) That if ſuch contributor ſhall advance and pay his money upon one life only, then he ſhall have and receive a yearly annuity, rent or payment of fourteen pounds of lawful *Engliſh* money, for every hundred pounds, and ſo proportionably for a greater ſum, for and during the life of ſuch perſon ſo advancing and paying the ſame, or during any other life to be nominated by the perſon advancing or paying any ſuch ſum; and in caſe any contributor ſhall think fit upon payment of his money, to have an annuity for two lives, then he ſhall have an yearly annuity, rent or payment of twelve pounds of lawful *Engliſh* money for every one hundred pounds, and ſo proportionably for a greater ſum advanced, for and during two lives, and the life of the ſurvivor of them, to be nominated as aforeſaid; and in caſe ſuch contributor ſhall think fit, upon payment of his money, to have an annuity for three lives, then he ſhall have and receive a yearly annuity, rent or payment of ten pounds of lawful *Engliſh* money for every hundred pounds ſo by him advanced and paid, or after that rate, for and during the term of three lives, and the life of the ſurvivor of them, to be nominated by the perſon or perſons ſo paying the ſame as aforeſaid; that all and every the ſaid lives ſhall be named by the ſeveral contributors, their executors, or adminiſtrators, or ſuch as ſhall be employed by them to pay in the ſaid ſums, within thirty days after the nine and twentieth day of *September*, one thouſand ſix hundred ninety and four; which yearly annuities, rents, or payments, ſhall commence from the ſaid nine and twentieth day of *September*, and ſhall be paid and payable quarterly, at the four moſt uſual feaſts of the year (that is to ſay) The feaſt of the nativity of our Lord Chriſt, the feaſt of the annunciation of the bleſſed Virgin *Mary*, the feaſt of the nativity of St. *John* baptiſt, and the feaſt of St. *Michael* the archangel, by even and equal portions; and every perſon, on payment of any ſuch ſum or ſums as aforeſ-

Moſt of theſe annuities were ſubſcribed into South Sea ſtock *purſuant to* 6 Geo. 1. c. 4.

See farther proviſion relating hereto, 9 & 10 W. 3. c. 34. ſ. 5.

aforeſaid, ſhall immediately have one or more tally or tallies importing the receipt of the conſideration money, and orders for the payment of the ſaid annuities, bearing the ſame date with the tally; the ſaid tallies to be levied, and the ſaid orders to be ſigned, in the ſame manner as in and by an act of this preſent parliament, intituled, *An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt* France, is mentioned and directed touching tallies and orders to be given to the contributors for annuities upon the ſaid act; and the ſaid orders not to be determinable, revocable or countermandable, as touching the afore mentioned orders in the ſaid recited act is enacted, which ſaid orders ſhall be aſſignable and transferrable in ſuch and the ſame manner as is mentioned in the ſaid recited act touching orders given to the contributors in the ſaid act mentioned; and all the rates and duties by this act granted, or ſo much thereof as are and ſhall be ſufficient for the purpoſes aforeſaid, are and ſhall be appropriated to and for the payment of the ſaid annuities of inheritance, and annuities for lives, after the ſeveral and reſpective rates aforeſaid, according to the true intent and meaning of this act, and ſhall not be diverted or divertible to any other uſe, intent or purpoſe whatſoever, under the like penalties, forfeitures, and diſabilities, in reſpect to all and every the officers and other perſons in the recited act mentioned, as are in the ſaid act appointed and enacted in caſe of diverting or miſapplying any part of the monies which ought to be paid to the contributors upon the ſaid act; and the ſaid penalties and forfeitures ſhall be ſued for, proſecuted, recovered and paid, in ſuch manner and form, as the penalties in the ſaid recited act are appointed to be ſued for, proſecuted, recovered, and paid; in which ſuit no protection, privilege of parliament, or other privilege, wager of law, or more than one imparlance ſhall be allowed: and the ſaid officers are hereby required to keep books and regiſters, and make entries of the names of all perſons who ſhall advance any monies before the ſaid nine and twentieth day of *September*, as aforeſaid, and of the ſeveral ſums ſo advanced, and the times of paying in the ſame reſpectively, and the names of ſuch perſons for whoſe lives the ſeveral annuities or yearly payments are to be payable, without fee or reward, in ſuch manner as in the ſaid recited act is mentioned, to which books all perſons concerned ſhall have acceſs, as in the ſaid act alſo is directed; all which the ſaid officers are to do and perform, under the like penalties, and forfeitures and diſabilities, as in the ſaid recited act are mentioned; and every perſon who ſhall ſo advance and pay any ſuch ſum, as aforeſaid, before the ſaid nine and twentieth day of *September*, as aforeſaid, ſhall receive, out of the money granted by this act, for all money ſo advanced by him and paid, from the reſpective days of payment, unto the ſaid nine and

Tallies to be levied.

4 & 5 W. & M. c. 3.

Orders transferrable.

Duties appropriated to the payment.

Penalty upon perſon or officer miſapplying.

Regiſter to be kept of contributors and nominees names.

Penalty.

Intereſt at 10 per cent. allowed till September,

and twentieth day of *September*, as aforeſaid, intereſt at the rate of ten pounds *per centum per annum*.

Annuities on this act not to be taxed.

XXXV. And be it further enacted, That all monies payable to any perſon or perſons, upon or by virtue of this act, ſhall not be charged or chargeable with any rates, duties, or impoſitions whatſoever.

Guardian may advance infants money.

XXXVI. And be it further enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of one and twenty years, for the uſe and benefit of ſuch infant, to advance and pay the ſum of one hundred pounds of the monies of ſuch infant, either upon an annuity of inheritance, or upon annuity for life or lives, upon the reſpective terms and recompences herein mentioned, at the election of ſuch guardian or truſtee; and in caſe ſuch guardian or truſtee ſhall pay any ſuch ſum upon an annuity for life, he ſhall thereupon, within ſuch time as is herein before appointed for the naming of lives, name the ſaid infant to be a nominee, and ſuch infant upon payment of the ſum, ſhall become a contributor within the meaning of this act, and be intitled to have and receive a proportion as any other contributor; and the ſaid guardian and truſtee, as to the ſaid ſum of one hundred pounds ſo advanced, is hereby diſcharged.

Infant muſt be made nominee.

Contributor upon receipt muſt bring certificate of nominee's life from miniſter, &c.

XXXVII. And to make the payment of the annuities more eaſy to the ſeveral contributors upon this act, be it enacted, That every contributor upon this act, upon the terms of having an annuity for one, two or three lives, his or her executors, adminiſtrators or aſſigns, upon their demanding any payments of his, her, or their reſpective ſhares of the ſaid fund, unleſs the nominee or nominees, or one of them, appear in perſon at the ſaid receipt, ſhall produce a certificate of the life of his, her or their reſpective nominee or nominees, or one of them, ſigned by the miniſter and churchwardens of the pariſh where ſuch nominee ſhall be then living, or otherwiſe it ſhall and may be lawful to and for every contributor, his or her executors, adminiſtrators or aſſigns, at his, her or their election, to make oath of the truth of his, her or their reſpective nominee's life, or the life of one of them, upon the day when the ſaid payments ſhall become due, before one or more juſtices of the peace of the reſpective county, riding, city, town or place wherein ſuch perſon at the time of making the ſaid oath ſhall reſide (which oath he or they are hereby impowered to adminiſter) and the ſaid juſtice or juſtices ſhall make a certificate thereof, for which oath and certificate no fee or reward ſhall be required, and the ſaid certificate ſhall be filed in the ſaid office of receipt in the *Exchequer*; and if any perſon ſhall be guilty of a falſe oath, or forging any certificate, touching the premiſſes, and be thereof lawfully convicted, he ſhall incur the pains and penalties to be inflicted upon perſons who commit wilful perjury or forgery; and in caſe any nominee ſhall at the time of ſuch demand be reſident in *Scotland*, or beyond the ſeas, and any one or more of the barons of the *Exchequer* for the time being ſhall certify, that upon proof to

or from juſtice of peace, of contributor's oath.

Falſe oath perjury.

If nominee in Scotland, &c. Certificate from a baron of the Exchequer.

to him or them made (which proof he and they is and are hereby authorized and required to take in a ſummary way) it doth ſeem probable to him or them, that the ſaid nominee is living (which certificate is to be given, and examination made, without fee or charge) the ſaid certificate, being filed as aforeſaid, ſhall be a ſufficient warrant for making the ſaid payment to the reſpective contributors or advancers, their executors, adminiſtrators, or aſſigns; and if any perſon or perſons ſhall receive one or more payments upon his, her, or their annuity or annuities, for any time beyond the death of his, her, or their nominee or nominees, when the ſame ought to ceaſe, ſuch perſon or perſons ſhall forfeit treble the value of the monies ſo by him, her or them received; the one half thereof to their Majeſties, their heirs and ſucceſſors, and the other half to him or them who will ſue for the ſame by action, ſuit, bill, or information, in which no eſſoin, protection, privilege, wager of law, or more than one imparlance ſhall be allowed.

Puniſhment for receiving after nominee's death.

XXXVIII. And it is hereby further enacted by the authority aforeſaid, That in caſe the whole ſum of twelve hundred thouſand pounds ſhall not be ſubſcribed and paid into the *Exchequer*, as aforeſaid, that then ſo much of the ſaid yearly ſum of one hundred thouſand pounds, hereby intended to anſwer the recompence for the ſame, as by ſuch deficiency ſhall by this act be undiſpoſed, ſhall and may be and is hereby applied and appropriated (ſo far as the ſame will amount) to pay to any perſon and perſons who ſhall advance and pay any ſum or ſums of money into the *Exchequer*, on or before the firſt day of *February*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and four, on account to have an annuity or annuities for one, two, or three lives, ſuch reſpective ſum and ſums for ſuch reſpective life or lives, according to ſuch rates and proportions, and for ſuch time, and under ſuch rules and directions, as are herein before contained, with relation to ſuch as ſhall advance and pay the ſaid three hundred thouſand pounds.

If the whole ſum be not ſubſcribed, the deficiency may be ſupplied by annuities.

XXXIX. And be it enacted by the authority aforeſaid, That if the whole ſum of fifteen hundred thouſand pounds be not advanced and paid into the *Exchequer*, upon this act, before the firſt day of *October*, one thouſand ſix hundred ninety four, that then it ſhall and may be lawful for their Majeſties, or their officers in the receipt of their Majeſties *Exchequer* by their command and appointment, to borrow and take into the ſaid receipt for their Majeſties uſe, by way of loan, any ſum or ſums of money, which together with the whole value or amount of all the ſums of money, which ſhall before the ſaid firſt day of *October*, be contributed or advanced, as aforeſaid, ſhall not exceed the ſum or ſums of fifteen hundred thouſand pounds, which ſum or ſums ſo taken up by way of loan, ſhall and may be charged upon the credit of their Majeſties *Exchequer* in general, and tallies of loan, and orders of repayment of the ſame, ſhall be levied and drawn accordingly, which ſaid orders ſhall be aſſignable and transferrable from one perſon to another.

If 1,500,000 l. be not raiſed before October on this act, deficiency to be ſupplied by loan.

XL. And

8 per cent. allowed upon loans.

XL. And it is hereby enacted, That all and every ſum and ſums of money, ſo to be borrowed, not exceeding as aforeſaid, together with intereſt for the ſame not exceeding the rate of eight pounds *per centum per annum*, to be paid every three months, until ſatisfaction of the principal, ſhall be payable and ſatisfied unto the reſpective lender or lenders of the ſame, his, her, or their executors, adminiſtrators, or aſſigns, out of the monies which ſhall afterward ariſe and be brought into the *Exchequer* by or for contributions upon this act, ſo far as the ſame will extend; and in caſe the money ſo ariſing by this act ſhall not be ſufficient for the paying thereof, then the ſaid loans, which ſhall remain unſatisfied, with the intereſt for the ſame, ſhall be repaid out of the next aids or ſupplies to be granted to their Majeſties in parliament, and ſhall be transferred and transferrable thereunto, as ſoon as any ſuch aid or ſupply ſhall be granted to their Majeſties; and if no ſuch aids or ſupplies ſhall be granted to their Majeſties before the ſecond day of *February*, one thouſand ſix hundred ninety four, then the ſaid ſum and ſums of money, ſo to be borrowed, not exceeding as aforeſaid, and the intereſt thereof, ſhall be payable and be paid and ſatisfied to the lender or lenders, his, her, or their executors, adminiſtrators, or aſſigns reſpectively, by and out of any their Majeſties treaſure, which from thenceforth ſhall come into, be, or remain in the receipt of their Majeſties *Exchequer*, not being already appropriated to any particular uſes by any act or acts of parliament before this time made.

If the duties fall ſhort, next ſubſidy given by parliament charged.

The reſt of the revenue charged, if parliament give no ſubſidy before 2 February.

1,000,000 l. formerly appropriated to the navy and ordnance.

XLI. *And whereas by an act of this preſent ſeſſion of parliament, intituled*, An act for granting to their Majeſties an aid of four ſhillings in the pound for one year, for carrying on a vigorous war againſt *France, the ſum of ten hundred thouſand pounds, including therein the ſum of four hundred thouſand pounds already borrowed for the uſe of the navy, is by the ſaid act appropriated for the ſervices of the navy and ordnance, as part of the ſupplies granted this ſeſſion for the payment of wages, for ſervices done and to be done, and for the paying for victuals ſupplied and to be ſupplied for the ſaid navy, and for and towards the paying for other neceſſary proviſions and ſtores ſupplied and to be ſupplied, and for the ordnance for the ſaid navy royal, and for the wages of the yards, and other ſervices of the ordinary of the ſaid navy:* now to the intent the whole ſum, granted this preſent ſeſſion of parliament for the uſes aforeſaid, may be thereunto appropriated, it is hereby further enacted by the authority aforeſaid, That out of the money that hath or ſhall be levied by virtue of this act, or of another act of this preſent ſeſſion of parliament, intituled, *An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt* France, or of any other act of this preſent

5 & 6 W.&M. c. 1.

1,500,000 l. more to the ſame uſe.

5 & 6 W.&M. c. 7.

ſeſſion

ion of parliament, by which any aids ſhall be granted to their jeſties towards the carrying on the ſaid war, and which ſhall paid into the *Exchequer*, as well upon loans as otherwiſe (ex- t only the money appropriated to pay the recompences in ; and the before recited act) the ſum of fifteen hundred thou- d pounds, over and above the ſaid ſum of ten hundred thou- d pounds in the firſt recited act appropriated, ſhall be and is eby appropriated for the ſervices of the navy and ordnance, formed and to be performed; and that all other money ich ſhall be levied and paid by virtue of this or any other of this preſent ſeſſion of parliament, not appropriated by ; or the firſt recited act to the uſe of the ſaid navy, or to the recompences in this and the other recited act into the eipt of the *Exchequer*, as well upon loans as otherwiſe, ſhall applied and appropriated to and for the payment of their jeſties land forces and armies, ordnance, ammunition, and er charges incident to the war, and not otherwiſe.

All other money unappropriated to be applied to the army, &c.

KLII. And for the more effectual doing thereof, be it enact- by the authority aforeſaid, That the half of all money that h or ſhall be levied or paid into the receipt of the *Exche-* r, by virtue of this act, or any other act of this preſent ſeſ- n of parliament (except the ſaid firſt recited act, and except at is appropriated by this or the other recited act, to pay recompences of thoſe who have or ſhall voluntarily advance nies as aforeſaid, and except alſo one other act, intituled, *act to ſupply the deficiency of the monies raiſed by a former act,* tuled, *An act for granting to their Majeſties certain rates and du- of exciſe upon beer, ale, and other liquors, for ſecuring certain mpences and advantages, in the ſaid act mentioned, to ſuch per- as ſhall voluntarily advance the ſum of ten hundred thouſand nds towards the carrying on the war againſt* France, ſhall be ap- ed to anſwer the ſaid ſum of fifteen hundred thouſand pounds, eby appropriated to the uſe of the ſaid navy, until the ſame ll be paid and ſatisfied.

Half of this or any other tax, except land tax, charged with the 1,500,000l.

5 & 6 W. & M. c. 5.

KLIII. And it is hereby further enacted by the authority a- eſaid, That out of the ſum of fifteen hundred thouſand pounds eby appropriated, and out of the ſaid ſum of ten hundred uſand pounds in the before recited act appropriated for the of the navy, the ſum of eleven hundred fifty ſix thouſand e hundred ninety four pounds ſhall be applied to pay the ges to officers and ſeamen, and other ſervices belonging, ac- ding to the courſe of the navy, to the head of wages, per- med and to be performed: and alſo to pay the officers and diers of the two marine regiments. And that the ſum of elve hundred fifty ſeven thouſand two hundred ſixty and ſix unds be applied for and towards the paying for victuals and ceſſary proviſions and ſtores, and other extraordinary ſervices the navy and ordnance, ſupplied and performed, or to be plied or performed; and that the ſum of eighty five thou- d ſeven hundred and forty pounds be applied for and towards paying

Particular ſums for wages, &c.

paying the wages of the yards, and other ordinary ſervices of the ſaid navy.

Proviſion for ſpeedy payment out of the Exchequer. 1 W. & M. ſ. 2. c. 1.

XLIV. And that the ſums by this act appropriated may not be diverted or applied to any other purpoſe than is hereby declared and intended, be it enacted by the authority aforeſaid, That the rules and directions appointed and enacted in one act made in the firſt year of their Majeſties reign, intituled, *An act for a grant to their Majeſties of an aid of two ſhillings in the pound for one year*, for the ſpeedy payment of money thereby granted into the receipt of the *Exchequer*, by the collectors and receivers, and for diſtribution and application thereof, and keeping diſtinct accounts of the ſame, and all other proviſoes, pains, penalties, and forfeitures, thereby enacted in caſe of diverſion of any money thereby appropriated, are hereby revived and enacted to be in force, and ſhall be practiſed, applied, executed, and put in ure for and concerning the diſtribution and application of the ſaid ſums hereby appropriated, as fully, amply, and effectually, as if the ſame were here particularly repeated and re-enacted.

Alamodes, &c. to be marked and ſealed by the cuſtom houſe officers.

XLV. *And whereas there is lately ſet up in this kingdom a very profitable manufacture of ſilk ſtuffs called* luſtrings *and* alamodes, *never before made in this realm, for the which great ſums of money of the nation were heretofore exported into* France; and to the intent that no diſcouragement may be given to ſo uſeful a trade, wherein many hundred of their Majeſties ſubjects are employed, by preventing all frauds and deceits to the revenue of their Majeſties cuſtoms, by fraudulently importing ſuch ſilks without paying legal duties for the ſame; be it enacted by the authority aforeſaid, that the commiſſioners of their Majeſties cuſtoms for the time being, ſhall and are hereby authorized and required from time to time, from and after the end of this ſeſſion of parliament, to mark and ſeal, or cauſe to be marked and ſealed, all the ſaid luſtrings and alamodes which now are imported, and in the hands of any perſon or perſons whatſoever, and alſo of all the ſaid ſtuffs ſo called which ſhall be hereafter imported, and to keep an entry and regiſtry thereof in the cuſtom houſe in a book to be for that purpoſe provided; and that all which are already imported ſhall be ſo marked, ſealed, and regiſtred within twenty days of the ſaid time, for which there ſhall be no fee or reward paid; and all ſuch luſtrings and alamodes, which ſhall be hereafter imported from the time aforeſaid, ſhall be ſo marked, ſealed, and regiſtred without any fee, as aforeſaid, before they be delivered out of the cuſtom houſe warehouſe where they ſhall be reſpectively imported and entred; and all ſuch luſtrings and alamodes, which ſhall be at any time after the fifteenth day of *May*, one thouſand ſix hundred ninety four, imported, and not ſo ſealed and marked ſhall be forfeited, and the importers or poſſeſſors thereof ſubject to ſuch and the like penalties and forfeitures, as importers of *French* goods, by one act made in the firſt year of their Majeſties reign, intituled,

Penalty.

An

An act for prohibiting all trade and commerce with France, to be recovered as therein is directed; and if any perſon or perſons ſhall alter or counterfeit the mark or ſeal, marks or ſeals, uſed and to be uſed for the purpoſes aforeſaid, the offender ſhall forfeit the ſum of five hundred pounds to any that will ſue for the ſame by bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, ſhall be allowed, nor any more than one imparlance. 1 W. & M. ſ. 1. c. 34. Penalty for counterfeiting mark.

XLVI. *And whereas it is enacted in one act of this preſent ſeſſion of parliament, intituled,* An act for granting to their Majeſties an aid of four ſhillings in the pound for one year, for carrying on a vigorous war againſt *France, That for the better ſecuring the trade of this kingdom, over and above the ſhips of war for the line of battle, and for convoys to remote parts, at the leaſt four ſhips of the third rate, ſixteen ſhips of the fourth rate, thirteen ſhips of the fifth rate, and ten ſhips of the ſixth rate, ſhall be from time to time directed and appointed by the lord high admiral of* England, *or commiſſioners for executing the ſaid office for the time being, to ſuch proper ſtations as they ſhall deem meet, to cruiſe, for ſecuring the merchant ſhips in their going out and returning home:* Wherefore, that it may the better appear how the ſaid ſervice is performed, wherein the ſecurity of trade, and the ſafety of theſe realms, is ſo much concerned; be it enacted by the authority aforeſaid, That the lord high admiral of *England*, or the commiſſioners for executing the office of lord high admiral of *England*, for the time being, ſhall and are hereby reſpectively required to exhibit to the commons aſſembled in parliament, at the next ſeſſion of this or any other parliament, which ſhall happen after the firſt day of *Auguſt*, one thouſand ſix hundred ninety four, a certificate in writing under his or their hands reſpectively, of the ſhips by him or them reſpectively, ſet out in purſuance of the ſaid recited clauſe, expreſſing therein the names and rates of the ſhips ſet out, and the times when by him or them reſpectively ordered, as alſo the ſtations to which they were directed, and the times how long they were continued at ſea in that ſervice. 5 & 6 W. & M. c. 1. A number of cruiſers appointed by a former act. Certificate to be given to the parliament of the ſtations of the cruiſers.

XLVII. Provided always, and be it enacted by the authority aforeſaid, That the officers of the receipt of their Majeſties *Exchequer* ſhall and may receive and take, for their fees, one penny in the pound, and no more, for all or any the ſum or ſums of money to be iſſued or paid to any their Majeſties garriſons, or other land forces and armies, and other charges incident to the ſame, out of the money ariſing by this or any other act and grant of this ſeſſion, or any other ſeſſion of parliament, during this preſent war; to be diſtributed in ſuch proportion as the lord treaſurer, or lords commiſſioners of the treaſury for the time being, ſhall appoint. One penny per pound allowed to the Exchequer officers.

XLVIII. And to the end the great duties of exciſe, and the powers given for the collecting and levying the ſame, may not be employed for the influencing of elections of members to ſerve in parliament, which elections, by the conſtitution of this government, ought to be free and uncorrupt; be it enacted by Officers in the exciſe not to perſuade in choice of members.

the authority aforeſaid, That from and after the firſt day of *May*, in the year of our Lord one thouſand ſix hundred ninety four, no collector, ſupervisor, gauger, or other officer or perſon whatſoever, concerned or employed in the charging, collecting, levying, or managing the duties of exciſe, or any branch or part thereof, ſhall by word, meſſage, or writing, or in any other manner whatſoever, endeavour to perſuade any elector to give, or diſſuade any elector from giving his vote for the choice of any perſon to be a knight of the ſhire, citizen, burgeſs or baron of any county, city, borough or cinque port to ſerve in parliament; and every officer or other perſon offending therein, ſhall forfeit the ſum of one hundred pounds, one moiety thereof to the informer, the other moiety to the poor of the pariſh where ſuch offence ſhall be committed, to be recovered by any perſon that ſhall ſue for the ſame, by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*; in which no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed; and every perſon convict on any ſuch ſuit of the ſaid offence ſhall thereby become diſabled and incapable of ever bearing or executing any office or place concerning or relating to the duty of exciſe, or any other office or place of truſt whatſoever under their Majeſties, their heirs or ſucceſſors.

Penalty.

Note of gauge to be delivered to the brewer, &c. upon 5l. penalty. *Altered and explained by* 7 & 8 W. 3. c. 30. ſ. 25.

XLIX. And it is hereby declared and enacted, That true notes in writing of the laſt gauges, made or taken by the gaugers, ſhall be left by them with all brewers, makers, or retailers of beer, ale, or other exciſeable liquor reſpectively, or ſome of their ſervants, at the times of taking their ſaid gauges, containing the quantity and quality of the liquor ſo gauged, upon the penalty of five pounds for every offence or neglect of the ſaid gauger or gaugers, to be recovered by any perſon that ſhall ſue for the ſame by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, in which no eſſoin, protection, privilege, or wager of law, nor more than one imparlance, ſhall be allowed.

CAP. XXI.

An act for granting to their Majeſties ſeveral duties upon vellum, parchment, and paper, for four years, towards carrying on the war againſt France.

Moſt gracious Sovereigns,

WE your Majeſties moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, having entred into a due and ſerious conſideration of the extraordinary occaſions which oblige your Majeſties to a great and preſent expence in the neceſſary defence of your realms, and being deſirous to raiſe ſuch aids and ſupplies as may be proportionable to theſe occaſions, do humbly preſent your Majeſties with the free gift of the rates and duties herein after mentioned; and do beſeech your Majeſties that it may be enacted:

II. And

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by authority of the ſame, That from and after the eight and twentieth day of *June*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety four, there ſhall be throughout their Majeſties kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raiſed, collected, and paid unto their Majeſties, their heirs and ſucceſſors, during the term of four years, and no longer, for the ſeveral and reſpective things herein after mentioned, which ſhall be written or ingroſſed, during the term aforeſaid, over and above the rates, duties, and ſums of money, now due and payable to their Majeſties, or to any perſon or perſons, bodies politick or corporate whatſoever, for the ſame, the ſeveral and reſpective rates, impoſitions, duties, charges, and ſums of money herein after expreſſed, in manner and form following (that is to ſay;)

Duty upon things written and ingroſſed for 4 years. *For the increaſe and continuance of theſe duties, ſee* 8 & 9 W. 3. c. 20. 9 & 10 W. 3. c. 25. 1 Annæ, ſtat. 1. c. 13. 5 Annæ, c. 19. 9 Annæ, c. 11. ſ. 4. & c. 23. 10 Annæ, c. 19. ſ. 100. & c. 26. ſ. 3. 12 Annæ, ſtat. 2. c. 9. 1 Geo. 1. ſtat. 2. c. 12. ſ. 8. 3 Geo. 1. c. 7. 6 Geo. 1. c. 4.

III. For every ſkin or piece of vellum or parchment, on which any grants or letters patents under the great ſeal of *England*, or the ſeal of the duchy or county palatine of *Lancaſter*, or of any honour, dignity, promotion, franchiſe, liberty, or privilege, to any perſon or perſons, bodies politick or corporate, or exemplifications of the ſame, ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin or piece of vellum, parchment, or ſheet of paper, on which any pardon of or for any crime or offence, or of any ſum of money or forfeiture whatſoever, or on which any warrant of reprieve or relaxation from any fines, corporal puniſhments, or other forfeiture, ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin of vellum or parchment, or ſheet of paper upon which any grant from their Majeſties of any ſum of money exceeding one hundred pounds, which ſhall paſs the great ſeal, or privy ſeal (not directed to the great ſeal) ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin of vellum or parchment, or for every ſheet of paper upon which any grant of any office or employment, which ſhall be above the value of fifty pounds *per annum*, ſhall be written, or ingroſſed, the ſum of forty ſhillings. For every ſkin of vellum or parchment, on which any grant of lands in fee, leaſe for years, or other grant of profit, not herein particularly charged, that ſhall paſs the great ſeal of *England*, the ſeal of the *Exchequer*, the ſeal of the duchy or county palatine of *Lancaſter*, or the privy ſeal (not directed to the great ſeal) ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any preſentation or donation which ſhall paſs the great ſeal of *England*, or upon which any collation to be made by any archbiſhop, or other biſhop, or any preſentation or donation to be made by any patron whatſoever, of or to any benefice, dignity, or ſpiritual or eccleſiaſtical promotion whatſoever, ſhall be ingroſſed or written, the ſum of forty ſhillings; provided ſuch benefice, dignity, or

Particular rates.

promotion, be of the yearly value of ten pounds or above in the King's books. For every ſkin or piece of vellum or parchment, or ſheet or piece of paper, upon which any regiſter, entry, teſtimonial, or certificate of any degree taken in either of the two univerſities, or four inns of court, ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin or piece of vellum or parchment, or ſheet of paper, on which any diſpenſation to hold two eccleſiaſtical dignities or benefices, or both a dignity and a benefice, or any other diſpenſation or faculty, from the lord archbiſhop of *Canterbury*, or the maſter of the faculties, for the time being, ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin or piece of vellum or parchment, ſheet or piece of paper, upon which any admittance of any fellow of the college of phyſicians, or of any attorney, clerk, advocate, proctor, notary, or other officer or officers, in any court whatſoever, ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any appeal from the court of admiralty, arches, or the prerogative courts of *Canterbury*, or *York*, ſhall be ingroſſed or written, the ſum of forty ſhillings. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any conveyance, ſurrender of grants, or offices, releaſe, or other deed whatſoever, which ſhall be enrolled of record, in any of the courts at *Weſtminſter*, or in any other court of record whatſoever, or by any *cuſtos rotulorum*, or clerk of the peace, ſhall be ingroſſed or written, the ſum of five ſhillings. For every piece of vellum or parchment upon which any writ of covenant for levying of fines ſhall be ingroſſed or written, the ſum of five ſhillings. For every piece of vellum or parchment, upon which any writ of entry for ſuffering a common recovery ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin of vellum or parchment, upon which any exemplification, of what nature ſoever, that ſhall paſs the ſeal of any court whatſoever, ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin of vellum or parchment, or ſheet of paper, upon which any decree or diſmiſſion, made by or in the court of *Chancery*, *Exchequer*, court of the county palatine or duchy of *Lancaſter*, courts of the counties palatine of *Cheſter*, *Durham*, or other court of equity whatſoever, ſhall be ingroſſed or written, the ſum of ſix pence. For every ſkin or piece of vellum or parchment, or ſheet of paper upon which any inſtitution, or licence that ſhall paſs the ſeal of any archbiſhop or biſhop, chancellor, or other ordinary, or any eccleſiaſtical court whatſoever, ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any writ of error, *Certiorari*, *Habeas Corpus*, or appeal (except to the delegates) ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any *Significavit pro corporis deliberatione* ſhall be ingroſſed or written, the ſum of five ſhillings.

lings. For every ſkin or piece of vellum or parchment, or ſheet or piece of paper, upon which any ſentence that ſhall be given in the court of the lord high admiral of *England*, or the cinque ports exerciſing admiralty juriſdiction, or upon any attachment that ſhall be made out of any of the ſaid courts of admiralty, or any relaxation of any ſuch attachment, ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin or piece of vellum or parchment, or ſheet or piece of paper, upon which any licence for or certificate of marriage, or any letters of mart, ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin or piece of vellum or parchment, ſheet or piece of paper, upon which any probate of a will, or letters of adminiſtration, for any eſtate above the value of twenty pounds, ſhall be ingroſſed or written, the ſum of five ſhillings. For every ſkin or piece of vellum or parchment, ſheet or piece of paper, upon which any recognizance, ſtatute-ſtaple or ſtatute-merchant, ſhall be ingroſſed or written, and entred of record in any court or office, the ſum of five ſhillings. For every ſkin or piece of vellum or parchment, upon which any record of *Niſi prius* or *Poſtea* ſhall be ingroſſed or written, the ſum of two ſhillings and ſix pence. For every ſkin or piece of vellum or parchment, or paper, upon which ſhall be engroſſed or written any judgment whatſoever, which ſhall be ſigned by the maſter of any office, or his deputy or ſecondary, or by any prothonotary or his ſecondary, deputy or clerk, or any other officer belonging to any of the courts at *Weſtminſter*, who have power, or uſually doth or ſhall ſign judgments, the ſum of two ſhillings and ſix pence. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any commiſſion iſſuing out of any eccleſiaſtical court, not herein otherwiſe particularly charged, ſhall be ingroſſed or written, the ſum of two ſhillings and ſix pence. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any warrant, monition, or perſonal decree, in any court of admiralty, or the cinque-ports, ſhall be ingroſſed or written, or upon which any beneficial warrant or order under their Majeſties ſign manual (except warrants or orders for the ſervice of their Majeſties navy, army, and ordnance) ſhall be ingroſſed or written, the ſum of two ſhillings and ſixpence. For every piece of vellum, parchment or paper, upon which any ſpecial bail to be taken in any of the courts at *Weſtminſter*, or before any of the judges of the ſaid courts, or in any other court whatſoever, that ſhall be filed in any of the ſaid courts, ſhall be ingroſſed or written, and for every piece of vellum, parchment, or paper, upon which ſhall be engroſſed or written any appearance upon ſuch ſpecial bail, the ſum of one ſhilling. For every ſkin or piece of vellum or parchment, upon which ſhall be ingroſſed or written any bill, anſwer, replication, rejoinder, interrogatories, depoſitions taken by commiſſion, or any other pleadings whatſoever, in the courts of *Chancery*, *Exchequer*,

This act is altered and explained by 6 & 7 W. 3. c 12. *as to recognizances, and warrants, &c. Certificates of Marriage, &c. Proceedings in courts martial, orders, &c. of commiſſioners of ſewers, or in the ſtannary, batchelors degrees in the univerſities, commiſſions of rebellion, admittances of officers in corporations or inferior courts and officers at ſea.*

Exchequer, duchy court, and county palatine courts, or other courts of equity, the ſum of one ſhilling. For every ſkin or piece of vellum or parchment, and for every ſheet or piece of paper, upon which any admiſſion into any corporation or company, or any matriculation in either of the two univerſities, or any admiſſion into any of the inns of court or inns of chancery, ſhall be ingroſſed or written, the ſum of one ſhilling. For every piece of parchment or paper, upon which any affidavit ſhall be ingroſſed or written (except affidavits taken purſuant to the ſeveral acts made in the thirtieth and two and thirtieth years of the reign of King *Charles* the Second, for burying in woollen, and except ſuch affidavits as ſhall be taken before the officers of their Majeſties cuſtoms, or any juſtice or juſtices of the peace, or before any commiſſioners appointed or to be appointed by any act of parliament for the aſſeſſing or levying any aids or duties granted or to be granted to their Majeſties, and which affidavits ſhall be taken by the ſaid officers of the cuſtoms, juſtices, or commiſſioners, by virtue of their authority as juſtices of the peace, or commiſſioners reſpectively, and not otherwiſe) the ſum of ſix pence. And for every piece of parchment or paper, upon which any copy of ſuch affidavit, as is herein before charged, that ſhall be filed or read in any court whatſoever, ſhall be ingroſſed or written, the ſum of ſix pence. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which ſhall be ingroſſed or written any indenture, leaſe, or deed-poll, not hereby otherwiſe charged, the ſum of ſix pence. For every piece of vellum or parchment, or piece of paper, upon which any original writ, (except ſuch original on which a writ of *Capias* iſſues) *Subpœna*, bill of *Middleſex*, *Latitat*, writ of *Capias*, *Quo minus*, writ of *Dedimus poteſtatem* to take anſwers, examine witneſſes, or appoint guardians, and any other writ whatſoever, or any other proceſs or mandate that ſhall iſſue out of or paſs the ſeals of any of the courts at *Weſtminſter*, courts of the great ſeſſions in *Wales*, courts in counties palatine, or any other court whatſoever holding plea, where the debt or damage doth amount to forty ſhillings or above, or the thing in demand is of that value, ſhall be ingroſſed or written, the ſum of ſix pence. For every piece of vellum, parchment, or paper, upon which any entry of any action in the mayor's and ſheriffs courts of *London*, and in courts in all corporations, and other courts whatſoever, out of which no writs, proceſs, or mandates iſſue, holding plea, where the debt or damage doth amount to forty ſhillings or above, ſhall be ingroſſed or written, the ſum of ſix pence. For every piece of vellum, parchment, or paper, upon which any common bail to be filed in any court whatſoever, and upon which any appearance that ſhall be made upon ſuch bail, ſhall be ingroſſed or written, the ſum of ſix pence: which appearance or common bail the defendant ſhall cauſe to be entred or filed within eight days after the return of the proceſs on which the defendant was arreſted, upon penalty of five pounds

30 Car. 2. ſtat. 1. c. 3.
32 Car. 2. c. 1.
Theſe duties are enlarged by 9 & 10 W. 3. c. 25. *and farther provided for by* 1 Ann. ſtat. 2. c. 22.

New duties laid on copies of court roll in England, *and like inſtruments in* Scotland, *and pamphlets, &c. by* 10 Ann. c. 19. ſ. 100. & 101.

pounds to be paid to the plaintiff, for which the court ſhall immediately award judgment, whereupon the plaintiff may take out execution. For every piece of vellum, parchment, or paper, upon which any rule or order made or given in any of the courts at *Weſtminſter*, either courts of law or equity, ſhall be ingroſſed or written, the ſum of ſix pence. For every piece of vellum, parchment, or paper, upon which any copy of ſuch rules or orders entred, or the copies of any other records or proceedings in any of the ſaid courts at *Weſtminſter*, not hereby otherwiſe charged, ſhall be ingroſſed or written, the ſum of ſix pence. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which ſhall be engroſſed or written any citation or monition made in any eccleſiaſtical court, or any libel or allegation, depoſition, anſwer, ſentence, or final decree, or any inventory exhibited in any eccleſiaſtical court, the courts of admiralty, or cinque ports, or whereupon any copies of them reſpectively, ſhall be ingroſſed or written, the ſum of ſix pence. For every ſkin or piece of vellum, parchment, or ſheet of paper, upon which any charter-party, policy of aſſurance, paſſport, bond, releaſe, contract, or other obligatory inſtrument, or any proteſt, procuration, letter of attorney, or any other notarial act whatſoever ſhall be ingroſſed or written, the ſum of ſix pence. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any declaration, plea, replication, rejoinder, demurrer, or other pleadings whatſoever, in any court of law, ſhall be ingroſſed or written, the ſum of one penny. And for every ſkin or piece of vellum or parchment, upon which any copy thereof ſhall be written or ingroſſed, the ſum of one penny. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which any depoſitions taken in the court of *Chancery*, or other court of equity (except the paper draughts of depoſitions taken by virtue of any commiſſion before they are ingroſſed) which are not herein before charged, or upon which any copy of any bill, anſwer, plea, demurrer, replication, rejoinder, interrogatories, depoſitions, or other proceedings whatſoever, in any court of equity, ſhall be ingroſſed or written the ſum of one penny. For every ſkin or piece of vellum or parchment, or ſheet of paper, upon which a copy of any will ſhall be ingroſſed or written, the ſum of one penny.

Theſe duties are continued by 5 Ann. c. 19. *and made perpetual by* 1 Geo. 1. c. 12. *and part of the aggregate fund.*

IV. And for preventing abuſes committed by arreſting perſons without any writ or legal proceſs to juſtify the ſame, by means whereof the duty hereby given to the crown upon ſuch proceſs will be loſt; be it enacted by the authority aforeſaid, that from and after the ſaid eight and twentieth day of *June*, every officer or clerk belonging to the court of *King's Bench*, *Common Pleas*, or *Exchequer*, who ſhall ſign any writ or proceſs before judgment, to arreſt any perſon or perſons thereupon, ſhall at the ſigning thereof ſet down upon ſuch writ or proceſs the day and year of his ſigning the ſame, which ſhall be entred upon the remembrance, or in the book where the abſtract

Clerk to ſet down upon the writ the day and year, and enter it upon the remembrance.

The day and year to be likewiſe entred on the warrants,

by 6 Geo. 1. c. 21. ſ. 54. Penalty.

of ſuch writ or proceſs ſhall be entred, upon pain to forfeit the ſum of ten pounds for every offence or neglect of ſuch officer or clerk aforeſaid; to be recovered by any perſon who ſhall ſue for the ſame, in any of their Majeſties courts of record, by action of debt, bill, plaint, or information, wherein no wager of law, protection or eſſoin, or more than one imparlance, ſhall be allowed.

Bills of Exchange, &c. ſaved.

V. Provided always, that this act, or any thing therein contained, ſhall not extend to charge any bills of exchange, accounts, bills of parcels, bills of fees, or any bills or notes (not ſealed) for payment of money at ſight, or upon demand, or at the end of certain days of payment.

Probate of will, &c. of ſoldier and ſeamen ſaved.

VI. Provided, that nothing in this act contained ſhall extend to charge the probate of any will, or letters of adminiſtration, of any common ſeaman or ſoldier, who ſhall be ſlain or die in their Majeſties ſervice, a certificate being produced from the captain of the ſhip or veſſel, or captain of the troop or company, under whom ſuch ſeaman or ſoldier ſerved at the time of his death, and oath made of the truth thereof, before the proper judge or officer by whom ſuch probate or adminiſtration ought to be granted; which oath ſuch judge or officer is hereby authorized and required to adminiſter, and for which no fee or reward ſhall be taken.

King may appoint commiſſioners.

VII. And be it further enacted by the authority aforeſaid, That for the better and more effectual levying, collecting, and paying unto their Majeſties, their heirs and ſucceſſors, the ſeveral and reſpective duties hereby granted, it ſhall and may be lawful for their Majeſties, their heirs and ſucceſſors, under the great ſeal of *England*, from time to time, to nominate and appoint ſuch perſons as they ſhall think fit, to be commiſſioners or officers for the ſeveral purpoſes herein after mentioned; and that the commiſſioners, ſo to be appointed, ſhall keep their head office in ſome convenient place within the cities of *London* or *Weſtminſter*; and the ſaid commiſſioners, or the major part of them, are hereby impowered, under their hands and ſeals, to appoint ſuch other inferior officers, for the marking or ſtamping of vellum, parchment, and paper, or for the better collecting and levying the duties hereby granted to their Majeſties, as they in their diſcretions ſhall think fit; and the ſaid commiſſioners ſhall, by the ſpace of thirty days before the ſaid eight and twentieth day of *June*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety four, provide ſix ſeveral marks or ſtamps, differing from each other, for the ſeveral and reſpective duties hereby granted, with which ſeveral marks or ſtamps all vellum, paper, and parchment, upon which any of the ſeveral and reſpective things herein before charged ſhall be ingroſſed or written, ſhall be ſtamped and impreſſed, that is to ſay; one ſtamp or mark, with which all vellum, paper, and parchment, herein before charged with the payment of forty ſhillings for every ſkin, piece, or ſheet, ſhall be ſtamped or marked: and one other ſtamp or mark, with which all vellum, parchment, and paper, herein before charged with

Place of the office.

Commiſſioners may appoint officers.

Six ſeveral marks to be provided.

with the payment of five ſhillings for every ſkin, ſheet, or piece, as aforeſaid, ſhall be marked and ſtamped: one other mark or ſtamp, with which all vellum, parchment, and paper, charged as aforeſaid with the payment of two ſhillings and ſix pence, for every ſkin, ſheet, or piece, ſhall be marked and ſtamped, and ſo reſpectively a different mark or ſtamp, with which all vellum, paper, and parchment, herein before charged with the payment of the ſeveral duties of twelve pence, ſix pence, and one penny, ſhall be ſeverally and differently marked and ſtamped; which ſaid ſeveral marks and ſtamps ſhall be publiſhed by proclamation, to be iſſued under the great ſeal of *England*, a convenient time before the ſaid eight and twentieth day of *June*, to the end that all perſons may have due notice thereof; and that the ſaid marks and ſtamps, or any of them, ſhall or may be altered or renewed from time to time, as their Majeſties, their heirs or ſucceſſors ſhall think fit, ſo as publick notification thereof be given by proclamation, as aforeſaid.

The proclamation is to be judicially taken notice of by 10 Anne, c. 19. ſ. 180. the old ſtamps are to be uſed till new ones are proclaimed by 12 Anne, ſtat. 2. c. 9. ſ. 30.

The marks may be changed.

VIII. And be it further enacted by the authority aforeſaid, That the commiſſioners in providing the ſaid marks or ſtamps, ſhall take care they be ſo contrived, that the impreſſion thereof may be durable, and ſo as the ſame may be leaſt liable to be forged or counterfeited.

Impreſſion to be durable.

IX. And be it further enacted, that all vellum, parchment, and paper, hereby intended to be charged with the ſeveral and reſpective duties aforeſaid, ſhall, before any of the matters or things herein before mentioned ſhall be thereupon ingroſſed or written, be brought to the head office aforeſaid, or ſome other ſub-commiſſioner or officer to be appointed by the commiſſioners, as herein is directed for that purpoſe, to be ſtamped and marked; and the ſaid commiſſioners, ſub-commiſſioners, and officers aforeſaid, are hereby impowered and required forthwith upon demand to them made by any perſon or perſons, to ſtamp or mark any quantities or parcels of vellum, parchment, or paper, he or they paying to ſuch officer or officers as ſhall be appointed in that behalf, the reſpective duties hereby directed to be paid for the ſame, to ſtamp and mark the ſame accordingly, without any other fee or reward, which ſtamp or mark ſhall be a ſufficient diſcharge for the ſeveral and reſpective duties hereby granted upon the ſaid vellum, parchment, or paper, which ſhall be ſo ſtamped or marked.

Parchment, &c. to be marked before written.

X. And be it further enacted, That if any commiſſioner or other officer to be appointed as aforeſaid ſhall fix any ſuch mark or ſtamp to any vellum, parchment, or paper, before the ſeveral and reſpective duties thereupon charged by this act ſhall be duly anſwered and paid, or be ſecured to be paid to their Majeſties uſe, he ſhall for every ſuch offence forfeit the ſum of one hundred pounds; one moiety thereof to their Majeſties, and the other moiety to him or them that ſhall inform or ſue for the ſame in any of their Majeſties courts of record, by bill, plaint, or information, wherein no eſſoin, protection, wager of law, or more than one imparlance, ſhall be allowed.

Penalty upon officer ſtamping before duty paid.

XI. And

Penalty upon perſon writing upon paper before ſtamped, &c.

XI. And be it further enacted, That if any perſon or perſons ſhall ingroſs or write, or cauſe to be ingroſſed or written, upon any vellum, parchment, or paper, any of the matters or things for which the ſaid vellum, parchment, or paper is hereby charged to pay any duty, before ſuch time as the ſaid vellum, parchment or paper ſhall be marked or ſtamped as aforeſaid, or upon which there ſhall not be ſome ſtamp or mark reſembling the ſame, or ſhall ingroſs or write, or cauſe to be ingroſſed or written, any matter or thing, upon any vellum, parchment, or paper, that ſhall be marked or ſtamped, for any lower duty than the duty by this act payable for what ſhall be ſo ingroſſed or written, ſuch perſon ſo offending ſhall for every ſuch offence forfeit the ſum of five hundred pounds; one moiety thereof to their Majeſties, and the other moiety to him or them that will inform or ſue for the ſame, as aforeſaid; and in caſe any clerk, officer, or perſon, who in reſpect of any publick office or employment is or ſhall be intitled or intruſted to make, ingroſs, or write, any records, deeds, inſtruments, or writings by this act charged to pay a duty, as aforeſaid, ſhall be guilty of any fraud or practice to deceive their Majeſties of any duty by this act payable, by making, ingroſſing, or writing any ſuch record, deed, inſtrument, or writing, or cauſing the ſame to be made, ingroſſed, or written, upon vellum, parchment, or paper, not marked or ſtamped according to this act, or upon which there ſhall not be ſome ſtamp or mark reſembling the ſame, or upon vellum, parchment, or paper, marked or ſtamped with any mark or ſtamp which he ſhall know to be counterfeited, or by ingroſſing or writing any ſuch deed, inſtrument, or other writing upon vellum, parchment, or paper, that ſhall be marked or ſtamped for a lower duty, as aforeſaid, that then every ſuch clerk, officer, or perſon ſo guilty of any ſuch fraud or practice, and being thereof lawfully convicted, ſhall (over and above the penalty aforeſaid) forfeit his office, place, or employment reſpectively, and be diſabled to hold or enjoy the ſame for the future. And if any attorney belonging to any court whatſoever ſhall be guilty of any ſuch fraud or practice as aforeſaid, and be convicted thereof, he ſhall be diſabled for the future to practiſe as an attorney. And if any deed, inſtrument, or writing whatſoever, by this act charged with the payment of a duty as aforeſaid, ſhall contrary to the true intent and meaning thereof be written or ingroſſed by any perſon or perſons whatſoever (not being a known clerk or officer, who, in reſpect of any publick office or employment, is or ſhall be intitled to the making, writing, or ingroſſing the ſame) upon vellum, parchment, or paper not marked or ſtamped according to this act, or upon vellum, parchment, or paper, marked or ſtamped for a lower duty, as aforeſaid, that then, and in every ſuch caſe, there ſhall be due, anſwered, and paid to their Majeſties (over and above the duty aforeſaid) for every ſuch deed, inſtrument, or writing, the ſum of five pounds; and no ſuch record, deed, inſtrument, or writing, ſhall be pleaded or given in evidence in any court, or admitted in any

Reduced to 5l. by 6 & 7 W. 3. c. 12. ſ. 7.

Penalty upon officer, &c. offending.

Penalty upon attorney.

No inſtrument, &c. written before paper ſtampt good, till 5l. paid to the King, and money for the ſtamp.

Mod. caſes in law 365.

any court to be good, uſeful, or available, in law or equity, until as well the ſaid duty, as the ſaid ſum of five pounds, ſhall be firſt paid to their Majeſties uſe, and a receipt produced for the ſame, under the hand or hands of ſome of their Majeſties officers, which ſhall be appointed to receive the duties above mentioned, and until the vellum, parchment, or paper, on which ſuch deed, inſtrument, or writing, ſhall be written or made, ſhall be marked or ſtamped with a lawful mark or ſtamp; and their Majeſties officer or officers laſt mentioned are hereby enjoined and required, upon payment or tender of the ſaid duty and ſum of five pounds unto him or them, to give a receipt for the ſame, and to mark or ſtamp the ſaid vellum, parchment, or paper, with the mark or ſtamp that ſhall be proper for ſuch deed, inſtrument, or writing reſpectively; and if any perſon or perſons whatſoever ſhall at any time or times hereafter counterfeit or forge any ſtamp or mark to reſemble any ſtamp or mark which ſhall be provided or made in purſuance of this act, or ſhall counterfeit or reſemble the impreſſion of the ſame upon any vellum, parchment, or paper, thereby to defraud their Majeſties, their heirs and ſucceſſors, of any the duties hereby granted, or ſhall utter, vend, or ſell any vellum, parchment, or paper, with ſuch counterfeit mark, or impreſſion thereupon, knowing ſuch mark or impreſſion to be counterfeited, then every ſuch perſon ſo offending, being thereof convicted in due form of law, ſhall be judged a felon, and ſhall ſuffer death as in caſes of felony, without the benefit of clergy.

Counterfeit or ſale of counterfeit paper, felony.

XII. And be it further enacted by the authority aforeſaid, That the commiſſioners to be conſtituted by their Majeſties, their heirs or ſucceſſors, under the great ſeal of *England*, as aforeſaid, ſhall and may appoint a fit perſon to attend in any court or office, to take notice of the vellum, parchment, or paper, upon which any the matters or things aforeſaid ſhall be ingroſſed, written, or put, and of the marks or ſtamps thereupon, and of all other matters and things tending to ſecure their Majeſties duties ariſing by this act, and that the judges in the ſeveral courts, and ſuch others to whom it may appertain, at the requeſt or requeſts of the ſaid commiſſioners, to be appointed by their Majeſties as aforeſaid, or of any two or more of them, ſhall make ſuch orders in the reſpective courts, and do ſuch other matters and things, for the better ſecuring of the ſaid duties, as ſhall be lawfully and reaſonably deſired in that behalf: and that every perſon, who ſhall be commiſſionated by their Majeſties, and every perſon to be employed by or under thoſe commiſſionated by their Majeſties, for the marking or ſtamping of vellum, parchment, or paper, as aforeſaid, before his acting in the marking or ſtamping of the ſaid vellum, parchment, or paper, ſhall take the oath following; that is to ſay,

Commiſſioners may appoint obſervers in every court, &c.

Judges ſhall make orders.

Officers to take the following oath.

I A. B. *do ſwear, That I will faithfully execute the truſt repoſed in me, purſuant to an act of parliament, intituled,* An act for granting to their Majeſties ſeveral duties upon vellum, parchment,

ment, and paper, for four years, towards carrying on the war againſt *France, without fraud or concealment; and ſhall from time to time true account make of my doing therein, and deliver the ſame to ſuch perſon or perſons as their Majeſties, their heirs or ſucceſſors, ſhall appoint to receive ſuch account, and ſhall take no fee, reward or profit, for the execution or performance of the ſaid truſt, or the buſineſs relating thereunto, from any perſons, other than ſuch as ſhall be paid or allowed by their Majeſties, their heirs or ſucceſſors, or by the commiſſioners of their Majeſties treaſury, or three of them now being, or by the treaſurer of the* Exchequer, *or three or more of the commiſſioners of the treaſury for the time being.*

By whom adminiſtred.

Which oath ſhall and may be adminiſtred to any ſuch commiſſioner or commiſſioners by any two or more of the ſame commiſſioners which ſhall be appointed under the great ſeal, as aforeſaid; and any of the ſaid commiſſioners ſhall and may adminiſter the like oath *(mutatis mutandis)* to the ſub-commiſſioners, or other perſons which ſhall be employed under them in the ſaid buſineſs of marking or ſtamping.

Commiſſioners to obſerve the orders of the treaſury,

XIII. And be it enacted, That the ſaid commiſſioners or officers, to be appointed by their Majeſties as aforeſaid, and all ſub-commiſſioners, and officers, to be employed or intruſted by or under them, as aforeſaid, ſhall, from time to time, in and for the better execution of their ſeveral places and truſts, obſerve and perform ſuch rules, methods, and orders, as they reſpectively ſhall from time to time receive from the ſaid commiſſioners of the treaſury now being, or from the treaſurer of the *Exchequer*, or commiſſioners of the treaſury for the time being; and that the ſaid commiſſioners, to be appointed by their Majeſties as aforeſaid, ſhall take eſpecial care that the ſeveral parts of this kingdom, and the dominion of *Wales*, and town of *Berwick* upon *Tweed*, ſhall, from time to time, be ſufficiently furniſhed with vellum, parchment, and paper, ſtamped or marked as aforeſaid, ſo as their Majeſties ſubjects may have it in their election to buy the ſame of the officers or perſons to be employed by the ſaid commiſſioners, at the uſual or moſt common rates above the ſaid duty, or to bring their own vellum, parchment, or paper, to be ſtamped as aforeſaid, or to furniſh themſelves or others that ſhall have done the ſame.

and take care that the country be furniſhed with parchment, &c.

Paupers excepted.

XIV. Provided always, and it is hereby further enacted, That none of the rates, impoſitions, or ſums of money, before in this act expreſſed, ſhall be raiſed, levied, collected, or paid, or be payable unto their Majeſties, by virtue of this act, by any perſon or perſons that ſhall be admitted to ſue or defend in *forma pauperis.*

Records, &c. to be writ as uſual.

XV. And to the end their Majeſties may not be defrauded of any the duties hereby granted, be it enacted, That all records, writs, pleadings, and other proceedings in courts of law and equity, and all deeds, inſtruments, and writings whatſoever, hereby charged, ſhall be ingroſſed and written in ſuch manner as they have been uſually accuſtomed to be written, or are now written.

XVI. Pro-

XVI. Provided always, and be it further enacted, That as often as their Majeſties, their heirs or ſucceſſors, ſhall think fit to alter or renew the ſaid marks or ſtamps, or any of them, it ſhall be lawful for all perſons who ſhall at that time have in their cuſtody or poſſeſſion any vellum, parchment, or paper, marked with the mark or ſtamp which ſhall be ſo altered or renewed, and upon which none of the matters or things hereby charged ſhall be ingroſſed or written, at any time within the ſpace of ſixty days after ſuch intention of renewing or altering ſhall be publiſhed by proclamation, as aforeſaid, to bring or ſend ſuch vellum, parchment, or paper, unto the ſaid commiſſioners, to the head office in *London* or *Weſtminſter*, or to ſuch other officers as ſhall be appointed, as aforeſaid. And the ſaid commiſſioners and officers reſpectively are hereby required to deliver, or cauſe to be delivered, unto the ſeveral perſons who ſhall ſo bring and deliver any quantity of vellum, paper, or parchment, the like quantity of vellum, parchment, or paper, and as good in quality, ſtamped with ſuch new ſtamp or mark, without demanding or taking, directly or indirectly for the ſame, any ſum of money, or other conſideration whatſoever, under the penalty of forfeiting for every offence one hundred pounds, to be ſued for, recovered, and divided in ſuch manner as other penalties in this act are directed to be ſued for, recovered, and divided. And in caſe any perſon ſhall neglect or refuſe, within the time aforeſaid, to bring, or cauſe to be brought and delivered, unto the ſaid commiſſioners or officers, as aforeſaid, any ſuch vellum, parchment or paper, the ſame is hereby declared to be of no other effect or uſe, than if it had never been ſtamped, and that all matters or things, which ſhall after that time be ingroſſed or written thereon, ſhall be of no other effect than if they had been ingroſſed or written on vellum, parchment, or paper, not marked or ſtamped at all; and all perſons who ſhall ingroſs or write any the matters or things hereby charged on ſuch vellum, parchment, or paper, after the ſaid time, ſhall forfeit and ſuffer as herein before is enacted for perſons writing or ingroſſing on vellum, parchment, or paper, not marked or ſtamped.

Upon renewal of marks thoſe that have paper marked by them ſhall have it changed within 60 days.

Penalty upon officer.

Paper not brought in within that time of no uſe.

XVII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to advance and lend to their Majeſties into the receipt of their *Exchequer*, upon the credit of this act, any ſum or ſums of money not exceeding the ſum of three hundred and thirty thouſand pounds in the whole; and to have and receive, for the forbearance of all ſuch monies as ſhall be lent, intereſt not exceeding the rate of eight pounds *per centum per annum*.

Credit of loan for 330,000l. at 8l. per cent.

XVIII. And be it further enacted and ordained by the authority aforeſaid, That all and every the officer and officers, who ſhall be concerned in the levying, collecting, and receiving the duties ariſing by this act, do keep a ſeparate and diſtinct account thereof, and pay the ſame *in ſpecie* into the receipt of their Majeſties

Diſtinct account and weekly payment.

jeſties *Exchequer* weekly on *Wedneſday* in every week, unleſs it be an holiday, and then the next day after which ſhall not be an holiday, and upon neglect or refuſal of the ſame, ſhall incur the penalties, forfeitures, damages, and coſts, as other the officers of the *Exchequer*, herein after mentioned ſhall be liable to; which monies ſo paid in ſhall be applied to the uſes hereafter mentioned in this act, and no otherwiſe.

Penalty.

Diſtinct books of receipts in the Exchequer.

XIX. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties *Exchequer* (that is to ſay) in the office of the auditor of the receipts, one book, in which all monies, that ſhall be paid into the *Exchequer* by virtue of this act, ſhall be entred and regiſtred, apart and diſtinct from all other monies paid or payable to their Majeſties, upon any account whatſoever; and that all and every perſon and perſons, natives or foreigners, bodies politick or corporate, who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the *Exchequer*, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his or their repayment, bearing the ſame date with the tally; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, not exceeding the rates aforeſaid, for his or their conſideration, to be paid every three months, until the repayment of his or their principal; and that all orders for repayment of money ſhall be regiſtred in courſe, according to the date of the talley reſpectively, without preference of one before another; and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand regiſtred in the ſaid book, ſo as that the perſon, native or foreigner, his, or their executors, adminiſtrators, and aſſigns, who ſhall have his, her, or their order or orders firſt entred in the ſaid book, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act; and he or they, who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the monies to come in by this act ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators, or aſſigns, ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majeſties ſubjects for providing or making any ſuch books, regiſters, entries, view, or ſearch as aforeſaid, or in or for the payment of money lent, or the intereſt as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo. And if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any

Talley and order to the lender.

Orders to be regiſtred, and perſons paid in courſe.

Penalties upon officer taking fee, or paying out of courſe.

ny ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages, and coſts, to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after uncapable of his place or office: and in caſe the auditor ſhall not direct, nor the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid. All which ſaid penalties, forfeitures, damages and coſts, to be incurred by any of the officers aforeſaid, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint ſhall be in any wiſe granted or allowed. Penalty upon auditor, &c. offending.

XX. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the teller do pay ſubſequent orders of the perſons that come and demand their money, and bring their order, before other perſons that did not come and demand their money, and bring their order, in their courſe, ſo as there may be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them. What ſhall not be undue preference.

XXI. And be it further enacted by the authority aforeſaid, That every perſon or perſons, to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter aforeſaid for payment thereof, his executors, adminiſtrators, or aſſigns, by indorſement of his order may aſſign and transfer his right, title, intereſt and benefit of ſuch order, or any part thereof, to any other, which being notified in the office of the auditor of receipt aforeſaid, and an entry or memorial thereof alſo made in the book of regiſter aforeſaid for orders (which the officer ſhall, upon requeſt, without fee or charge accordingly make) ſhall intitle ſuch aſſignee, his executors, adminiſtrators, or aſſigns to the benefit thereof, and payment thereon: and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons, who have or hath made ſuch aſſignments, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof. Orders aſſignable.

XXII. Pro-

jeſties *Exchequer* weekly on *Wedneſday* in every week, unleſs it be an holiday, and then the next day after which ſhall not be an holiday, and upon neglect or refuſal of the ſame, ſhall incur the penalties, forfeitures, damages, and coſts, as other the officers of the *Exchequer*, herein after mentioned ſhall be liable to; which monies ſo paid in ſhall be applied to the uſes hereafter mentioned in this act, and no otherwiſe.

Penalty.

Diſtinct books of receipts in the Exchequer.

XIX. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in their Majeſties *Exchequer* (that is to ſay) in the office of the auditor of the receipts, one book, in which all monies, that ſhall be paid into the *Exchequer* by virtue of this act, ſhall be entred and regiſtred, apart and diſtinct from all other monies paid or payable to their Majeſties, upon any account whatſoever; and that all and every perſon and perſons, natives or foreigners, bodies politick or corporate, who ſhall lend any money to their Majeſties upon the credit of this act, and pay the ſame into the receipt of the *Exchequer*, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his or their repayment, bearing the ſame date with the tally; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, not exceeding the rates aforeſaid, for his or their conſideration, to be paid every three months, until the repayment of his or their principal; and that all orders for repayment of money ſhall be regiſtred in courſe, according to the date of the talley reſpectively, without preference of one before another; and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand regiſtred in the ſaid book, ſo as that the perſon, native or foreigner, his, or their executors, adminiſtrators, and aſſigns, who ſhall have his, her, or their order or orders firſt entred in the ſaid book, ſhall be taken and accounted as the firſt perſon to be paid upon the monies to come in by virtue of this act; and he or they, who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the monies to come in by this act ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators, or aſſigns, ſucceſſively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of their Majeſties ſubjects for providing or making any ſuch books, regiſters, entries, view, or ſearch as aforeſaid, or in or for the payment of money lent, or the intereſt as aforeſaid, by any of their Majeſties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo. And if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, by any

Talley and order to the lender.

Orders to be regiſtred, and perſons paid in courſe.

Penalties upon officer taking fee, or paying out of courſe.

ch officer or officers, then the party offending ſhall be by action of debt, or on the caſe, to pay the value of the damages, and coſts, to the party grieved, and ſhall be dged from his place or office; and if ſuch preference be y made by any his deputy or clerk, without direction or / of his maſter, then ſuch deputy or clerk only ſhall be to ſuch action, debt, damages, and coſts, and ſhall be for fter uncapable of his place or office: and in caſe the audi- all not direct, nor the clerk of the pells record, or the teller payment, according to each perſon's due place and order, re directed, then he or they ſhall be judged to forfeit, and reſpective deputies and clerks herein offending, to be liable :h action, debt, damages, and coſts, in ſuch manner as aid. All which ſaid penalties, forfeitures, damages and to be incurred by any of the officers aforeſaid, or any deputies or clerks, ſhall and may be recovered by action bt, bill, plaint, or information, in any of their Majeſties s of record at *Weſtminſter*, wherein no eſſoin, protection, ege, wager of law, injunction, or order of reſtraint ſhall be y wiſe granted or allowed.

Penalty upon auditor, &c. offending.

X. Provided always, and be it hereby declared, That if it en that ſeveral tallies of loan, or orders for payment as aid, bear date, or be brought the ſame day to the auditor : receipt to be regiſtred, then it ſhall be interpreted no un- reference which of thoſe he enters firſt, ſo he enters them ie ſame day. Provided alſo, That it ſhall not be inter- d any undue preference to incur any penalty in point of ient, if the auditor direct, and the clerk of the pells record, he teller do pay ſubſequent orders of the perſons that come demand their money, and bring their order, before other ns that did not come and demand their money, and bring order, in their courſe, ſo as there may be ſo much money re- d as will ſatisfy precedent orders, which ſhall not be otherwiſe ſed, but kept for them; intereſt upon loan being to ceaſe the time the money is ſo reſerved and kept in bank for them.

What ſhall not be undue preference.

XI. And be it further enacted by the authority aforeſaid, t every perſon or perſons, to whom any monies ſhall be by virtue of this act, after order entred in the book of re- aforeſaid for payment thereof, his executors, adminiſtra- or aſſigns, by indorſement of his order may aſſign and fer his right, title, intereſt and benefit of ſuch order, or part thereof, to any other, which being notified in the office ie auditor of receipt aforeſaid, and an entry or memorial :of alſo made in the book of regiſter aforeſaid for orders ch the officer ſhall, upon requeſt, without fee or charge ac- ingly make) ſhall intitle ſuch aſſignee, his executors, ad- ſtrators, or aſſigns to the benefit thereof, and payment :on: and ſuch aſſignee may in like manner aſſign again, ſo *toties quoties*; and afterwards it ſhall not be in the power ich perſon or perſons, who have or hath made ſuch aſſign- ts, to make void, releaſe, or diſcharge the ſame, or any the ies thereby due, or any part thereof.

Orders aſſignable.

XXII. Pro-

Proviſion for ſalaries.

XXII. Provided always, and be it enacted, That it ſhall and may be lawful to and for their Majeſties, their heirs and ſucceſſors, out of the duties ariſing by this act, to cauſe ſuch ſum and ſums of money to be expended and paid, from time to time, for ſalaries and other incident charges, as ſhall be neceſſary in and for the receiving, collecting, levying, or managing of the ſame duties, during the ſaid term therein by this act granted, any thing in this act contained to the contrary notwithſtanding.

Proclamation of renewal to be publiſhed within 20 days.

XXIII. Provided always, and be it further enacted, That as often as their Majeſties, their heirs or ſucceſſors, ſhall think fit to alter the ſaid ſtamps, or any of them, that the proclamation which is hereby directed to be made, for giving to all perſons due notice thereof, ſhall within twenty days after the date thereof be ſent to the mayor, chief magiſtrate, or other head officer of every city, corporation, borough and market town, throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, which officers reſpectively ſhall cauſe the ſame to be publiſhed to the inhabitants of ſuch city, corporation, or town, either on the next market day, or next *Sunday*, in the church immediately after the time of divine ſervice, upon pain of forfeiting the ſum of two hundred pounds, to be ſued for by action of debt, bill, plaint or information, in any of their Majeſties courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege, or more than one imparlance, ſhall be granted or allowed; the one moiety of which forfeiture to be to their Majeſties, the other moiety to ſuch perſon who ſhall ſue for the ſame.

Penalty upon officers not publiſhing it.

The auditor of the impreſt to take the accounts of the commiſſioners, &c. annually upon oath.

XXIV. And be it enacted, That the commiſſioners, receiver or receivers general, or other perſon or perſons who are or ſhall be reſpectively employed in the directing, receiving, collecting, or paying the ſeveral impoſitions upon paper and parchment, and other duties, by this act granted, ſhall and are hereby required, between the eight and twentieth day of *June*, one thouſand ſix hundred ninety five, and the nine and twentieth day of *September* following, and ſo from year to year yearly, at thoſe times, during the continuance of this act, to exhibit their reſpective accounts thereof to their Majeſties auditors of the impreſt for the time being, or one of them, who ſhall and are hereby from time to time reſpectively authorized to examine upon oath the ſaid commiſſioners, receiver or receivers general, or other perſon or perſons accountants, who ſhall be employed in raiſing, receiving or collecting the ſaid impoſitions and duties, of what ſum or ſums of money was or were by them, or any of them, reſpectively raiſed, collected, or received, within the time of ſuch their accounts, and likewiſe what part thereof was by them, or any of them, paid into their Majeſties receipt of the *Exchequer*, or by virtue of any warrant of privy ſeal, or warrant of the lord high treaſurer, or commiſſioners of their Majeſties treaſury for the time being, otherwiſe paid, and to whom, and for what ſervice or ſervices; and in making the ſaid accounts to and before the ſaid auditors, or one of them, they are to produce proper vouchers for every ſum

or

of money ſo by them, or any of them, raiſed, received and paid, according to the ancient methods of the *Exchequer*: And to the end that it may appear upon record what the ſums amounted to in the year, for which ſuch account or accounts are or ſhall be reſpectively made, and what thereof was paid, and to whom and for what uſe and ſervice, uſes and ſervices as aforeſaid, and what remains unpaid and reſts *inſuper* upon each reſpective receiver and collector, the account or accounts, ſo to be taken by every of the ſaid auditors reſpectively, is and are to be declared before the lord treaſurer, or lords commiſſioners of the treaſury, and chancellor of the *Exchequer*, now and for the time being, according to the courſe of the *Exchequer* in ſuch caſes.

The accounts to be declared before the treaſurer, &c.

CAP. XXII.

An act for the licenſing and regulating hackney coaches and ſtage coaches.

WE your Majeſties moſt loyal and dutiful ſubjects the commons in parliament aſſembled, being ſenſible of the great and neceſſary expence in which your Majeſties are engaged, for carrying on the preſent war againſt the *French* King, and being deſirous to ſupply the ſame, in ſuch manner as may be leaſt grievous to your Majeſties ſubjects, have given and granted, and do hereby give and grant unto your Majeſties, the ſeveral rates and ſums of money herein after mentioned, and do beſeech your Majeſties that it may be enacted:

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the tenth day of *May*, one thouſand ſix hundred ninety four, it ſhall and may be lawful to and for their Majeſties, their heirs and ſucceſſors, under their great ſeal of *England*, to nominate, authorize and appoint any perſon or perſons, not exceeding five in number, to be commiſſioners for the regulating and licenſing of all hackney-coaches within the cities of *London* and *Weſtminſter*, and the ſuburbs thereof, and within all and every the pariſhes and places comprized within the weekly bills of mortality, and for the regulating and licenſing all ſtage-coaches throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, in ſuch manner as is herein after directed: Which ſaid commiſſioners to be appointed, as aforeſaid, are hereby impowered and authorized to put in execution the ſeveral powers and authorities herein after mentioned.

The King may appoint commiſſioners to execute the powers in this act.

III. And be it further enacted, That the commiſſioners ſo appointed ſhall have power and authority, and are hereby impowered and required, under their hands and ſeals, or under the hands and ſeals of the major part of them, to licence all ſuch perſons who ſhall drive or keep any hackney-coach, or coach-horſes within the cities of *London* and *Weſtminſter*, or the ſuburbs of the ſame, or within the pariſhes comprized within the weekly

The commiſſioners may appoint hackney-coaches in London, &c. not exceeding 700.

What ſhall be paid to the King for every coach.

bills of mortality; and that the number of all hackney-coaches ſo to be licenced, ſhall not exceed ſeven hundred; and for every licence ſo to be granted for each coach there ſhall be paid to the ſaid commiſſioners, or ſome other perſon to be appointed by their Majeſties, to receive the ſame for their Majeſties uſe, the ſum of fifty pounds of lawful money of *England*, and no more, by way of fine for ſuch licence; which ſum of fifty pounds ſhall be paid by the perſon to be licenſed, before the licence ſhall be delivered to him: and the ſaid licences, and every of them, ſhall be granted to continue for, and during the term of one and twenty years from the date of each reſpective licence, and no longer, and ſhall not afterwards be renewed, or continued for any longer time; neither ſhall any licence be granted in reverſion, to commence after the determination of others: And upon every of the ſaid licences, there ſhall be reſerved, and made payable unto their Majeſties, their heirs and ſucceſſors, the yearly rent or ſum of four pounds, payable quarterly at the four moſt uſual feaſts of the year, (that is to ſay) the feaſt of St. *Michael* the archangel, of the nativity of our Lord *Chriſt*, of the annunciation of the bleſſed Virgin *Mary*, and of the nativity of Saint *John Baptiſt*, with ſuch covenants, conditions and proviſoes therein to be inſerted for the more effectual payment thereof, as the ſaid commiſſioners in their diſcretion ſhall think fit.

Explained by 6 & 7 W. 3. c. 18. ſ. 31. *Further proviſions concerning hackney-coaches* 9 Ann. c. 23. 10 Ann. c. 19. ſ. 158. 1 Geo. 1. ſtat. 2. c. 57. 3 Geo. 1. c. 7. 12 Geo. 1. c. 12.

Commiſſioners ſhall licenſe all ſtage-coaches for a year.

IV. And be further enacted, That the ſaid commiſſioners ſo appointed, ſhall have power and authority, and are hereby impowered and required under their hands and ſeals, or the hands and ſeals, of the major part of them to licence all ſtage-coaches which ſhall be kept or driven in any place or places within the kingdom of *England*, dominion of *Wales* and town of *Berwick* upon *Tweed*; and that no licence to be granted for any ſtage-coach ſhall continue or be in force longer than for one year from the date thereof; that upon every licence ſo to be granted for keeping or driving a ſtage-coach, there be reſerved payable to their Majeſties, their heirs and ſucceſſors, the rent or annual ſum of eight pounds of lawful *Engliſh* money for one year, the ſame to be paid quarterly at the ſaid four moſt uſual feaſts of the year, with ſuch covenants, proviſoes and conditions for the more effectual payment thereof, as the ſaid commiſſioners in their diſcretion ſhall think fit and reaſonable; that every perſon licenſed, as aforeſaid, to keep or drive any hackney-coach or ſtage-coach, may, by writing under his hand and ſeal, aſſign, or by his laſt will in writing deviſe his, her, or their reſpective intereſt therein, and in default of ſuch aſſignment or deviſe, the executors or adminiſtrators of the perſons to whom ſuch licences are granted, ſhall be intituled thereto during the reſidue of the reſpective intereſt therein, and the ſame ſhall be accounted aſſets in their hands; that an entry ſhall be made of every ſuch aſſignment in ſome book or books to be kept by the ſaid commiſſioners for that purpoſe; which entry ſhall be made without fee or reward, to which book or books every perſon concerned ſhall have free acceſs to inſpect the ſame at all reaſonable times, without

Rate to the King.

Perſons licenſed both ſtage or hackney may grant or deviſe.

Aſſignment entred in the commiſſioner's book.

without fee or reward; and that every legatee, executors or adminiſtrators claiming title to any ſuch licence, under any will or letters of adminiſtration, ſhall within ſixty days after the deceaſe of ſuch teſtator or inteſtate, produce before the ſaid commiſſioners, ſuch probate or letters of adminiſtration or exemplification thereof. Executors, &c. how to claim.

V. And be it further enacted, That from and after the four and twentieth day of *June*, one thouſand ſix hundred ninety four, no perſon or perſons ſhall preſume to drive or let to hire by the hour or day, or otherwiſe, any hackney-coach or coach-horſes, within the cities of *London* or *Weſtminſter*, or ſuburbs of the ſame, or within the pariſhes or places compriſed within the bills of mortality, nor ſhall preſume to drive or let to hire as aforeſaid, any ſtage-coach or coach-horſes, in any place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, without ſuch leave or licence firſt obtained from the ſaid commiſſioners, as aforeſaid, according to the particular proviſions and limitations of this act, upon pain to forfeit for every ſuch offence the ſum of five pounds: And that no horſe, gelding or mare, to be uſed with any hackney or ſtage-coaches, ſhall be under the ſize of fourteen hands high, according to the ſtandard: And that every coach ſo licenſed, ſhall have a mark of diſtinction by figure or otherwiſe, as the ſaid commiſſioners ſhall think fit; and the ſaid mark ſhall be placed on each ſide of every ſuch coach, in the moſt convenient manner to be taken notice of, to the end they may be known if any complaint ſhall be made of them, and that no perſon ſhall be licenſed to keep more than two hackney-coaches; which coaches ſhall have every one of them ſeveral figures or marks of diſtinction, in the ſame manner as if they did belong to ſeveral perſons; and that no perſon ſhall put the ſame figure or mark of diſtinction upon his coach that is appointed for any other coach, nor ſhall blot out, obliterate, alter or deface the figure or mark of diſtinction appointed by the ſaid commiſſioners for his coach, under the forfeiture of five pounds for every ſuch offence, one moiety whereof ſhall be to the informer, and the other moiety to the uſe of their Majeſties; and the ſaid commiſſioners for licenſing and regulating of coaches, are hereby required in the firſt place to licenſe all ſuch perſons as have been ancient coachmen, who have formerly had licences by act of parliament, or the widow or widows of any of them, unleſs they ſhall neglect or refuſe to take ſuch licences upon the reſpective terms hereby allowed, within a reaſonable time to be limited by the ſaid commiſſioners, not leſs than twenty days. Five pounds penalty upon perſons driving coach without licence. Salk. 612. Coach-horſes to be fourteen hands high. Coaches to be figured. No perſon to have more than two hackney-coaches. Ancient coach-men, &c. to be firſt licenſed.

VI. And be it further enacted, That if any commiſſioner ſo appointed, ſhall grant licences for more than the number of ſeven hundred hackney-coaches, as before is directed, or ſhall grant any licence for any hackney-coach or ſtage-coach, for any longer time than is herein before directed for hackney-coaches and ſtage-coaches reſpectively, he ſhall forfeit for every ſuch offence, one hundred pounds, to be proſecuted and recovered by Penalty upon commiſſioners licenſing above ſeven hundred.

any perſon who will ſue for the ſame, by action of debt, bill, plaint or information, in any of their Majeſties courts of record at *Weſtminſter*, in which no eſſoin, protection, wager of law, privilege, or more than one imparlance ſhall be granted or allowed.

Rates of hackney coaches.

VII. And be it further enacted by the authority aforeſaid, That no hackney-coachman ſo licenſed, nor the driver of ſuch coach ſhall preſume to take for his hire in and about the cities of *London* and *Weſtminſter*, or within ten miles thereof, above the rate of ten ſhillings for a day, reckoning twelve hours to the day, and by the hour not above eighteen pence for the firſt hour, and twelve pence for every hour after; and that no gentleman or other perſon ſhall pay from any of the inns of court or thereabouts, to any part of Saint *James*'s or city of *Weſtminſter* (except beyond *Tuttle-Street*) above twelve pence, and the ſame prices from the ſame places to the inns of court or places thereabouts, and from any of the ſaid inns of court or thereabouts, to the *Royal Exchange*, twelve pence; and if to the Tower of *London* or to *Biſhopſgate-Street* or *Aldgate* or thereabouts eighteen pence; and ſo from the ſame places to the ſaid inns of court, as aforeſaid, and the like rates from and to any place at the like diſtance with the places before mentioned. And if any coachman ſhall refuſe to go at, or ſhall exact more for his hire than the ſeveral rates hereby limited, he ſhall for every ſuch offence forfeit the ſum of forty ſhillings.

Penalty upon coachmen exacting more.

Commiſſioners may appoint under officers who are to take no fee except 2 s. 6 d. for the licence.

VIII. And be it further enacted, That the ſaid commiſſioners may appoint ſuch other officer or officers under them, as they ſhall find neceſſary for the carrying on the ſaid ſervice, with ſuch moderate allowances as ſhall be fit, and the ſaid commiſſioners and other officers under them, and every of them, are hereby required not to take or demand, directly or indirectly, of any perſon for their licences, any ſum of money, or other gratuity or conſideration whatſoever, other than what is herein directed to be paid to their Majeſties, nor to take or demand any fee or reward from any perſon or perſons, for any thing by them to be done in execution of their reſpective offices or employments, other than from their Majeſties, their heirs and ſucceſſors, upon pain to forfeit for every ſuch offence their reſpective offices and employments, and to be incapable of any new grant thereof; except only that it ſhall be lawful for the clerks for their pains in writing and ingroſſing each licence, to have and receive the ſum of two ſhillings and ſix pence, and no more.

What oath the commiſſioners, &c. are to take. 1 W. & M. ſeſſ. 1. cap. 8.

IX. And be it further enacted, That the ſaid commiſſioners, and every of them, and every officer to be appointed under them, ſhall, before two or more of the ſaid commiſſioners, take an oath for the due and faithful execution of their reſpective offices and employments, and ſhall likewiſe take the oaths appointed by an act of parliament made in the firſt year of their Majeſties reign, intituled, *An act for the abrogating the oaths of ſupremacy and allegiance, and appointing other oaths*; which ſaid oaths, the ſaid commiſſioners, or any two of them, are hereby impowered to adminiſter; and that

that no perſon nor perſons ſhall be capable of intermeddling with the execution of the powers and authorities by this act granted, or any of them, other than the power of adminiſtring the aforeſaid oaths to their fellow commiſſioners, until they ſhall have taken the ſaid oaths, as aforeſaid.

Commiſſioners to pay the money and give account of licences annually.

X. And be it further enacted by the authority aforeſaid, That all the ſums of money, rents and revenues by this act ariſing, over and above what ſhall be ſufficient for ſalaries, and other incident charges for collecting or managing the ſame, ſhall from time to time be annually paid by the ſaid commiſſioners, or ſuch other perſon or perſons as ſhall be appointed by their Majeſties, to receive the ſame, into the receipt of their Majeſties Exchequer: and the ſaid commiſſioners ſhall, upon oath, deliver books of accounts fairly written, containing all the licences granted, and the names and ſurnames of the reſpective perſons to whom ſuch licences are granted, and the rents and profits thereby accrued unto the commiſſioners of the treaſury, or lord high treaſurer, or commiſſioners of the treaſury for the time being, once in every year, or oftner if required.

Penalties how to be levied.

XI. And be it further enacted by the authority aforeſaid, That all fines, rents, forfeitures and penalties, that ſhall grow due and payable by virtue of this act, or breach of any orders or by-laws, that ſhall be made by the ſaid commiſſioners, in purſuance of the authority to them given by this act for that purpoſe, ſhall be levied by diſtreſs of the goods and chattels of the offender or offenders, by warrant under the hands and ſeals of the ſaid commiſſioners, or any three or more of them, which ſhall be ſold within ten days, and the overplus (all charges being allowed) ſhall be returned to the owner, and in default of diſtreſs or non payment, the perſon or perſons neglecting or refuſing to pay, ſhall, by warrant under the hands and ſeals of the ſaid commiſſioners, or any three or more of them, be committed to priſon, there to continue without bail or mainprize, till he or they have paid ſuch rent, fine, forfeiture or penalty, as was due from him or them.

Offences to be determined by the commiſſioners.

XII. And be it further enacted, That all the offences againſt this act, or any thing therein contained (other than the offences of the commiſſioners themſelves) ſhall be heard and determined in a ſummary way by the ſaid commiſſioners, or any three or more of them, upon the oath of one or more credible witneſſes (the party accuſed being ſummoned to make his defence) or upon the confeſſion of the party offending; and one moiety of all the forfeitures and penalties to be incurred by this act, ſhall be to their Majeſties, their heirs and ſucceſſors, and the other moiety to the informer.

Perſons ſued for executing this act may plead general iſſue and have double coſts.

XIII. And be it further enacted, That if any perſon or perſons ſhall at any time be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, he or they ſhall or may plead the general iſſue, and give this act in evidence for his defence, and if upon a trial a verdict ſhall paſs for the defendant or defendants, or judgment ſhall be given againſt

gainſt the plaintiff or plaintiffs upon demurrer, or the plaintiff or plaintiffs be nonſuit, diſcontinue or forbear proſecuting their ſaid actions, then ſuch defendant and defendants ſhall have double coſts to him or them awarded againſt ſuch plaintiff or plaintiffs; for which coſts he ſhall have ſuch remedy as in other caſes where coſts are by law given to defendants.

No *Certiorari.* XIV. Provided alſo, and be it enacted, That no writ or writs of *Certiorari* ſhall ſuperſede execution or other proceedings, upon any order or orders made by the ſaid commiſſioners in purſuance of this act, but that execution and other proceedings ſhall and may be had and made thereupon, any ſuch writ or writs or allowance thereof notwithſtanding.

Commiſſioners may make by-laws to bind the coachmen. XV. And be it further enacted by the authority aforeſaid, That for the better regulating and ordering ſuch perſons who ſhall be licenſed to keep hackney or ſtage-coaches, as aforeſaid, and to prevent diſturbances, and other inconveniencies in the ſtreets and high-ways, where ſuch coaches ſhall ſtand or be driven, and for puniſhment thereof, it ſhall and may be lawful for the ſaid commiſſioners, or the major part of them, from time to time, to make ſuch orders, by-laws and ordinances to bind ſuch perſons only who ſhall have licences to keep coaches, their executors, adminiſtrators and aſſigns, and to annex ſuch reaſonable penalties and forfeitures for the breach thereof, as to them in their diſcretion ſhall ſeem fit, ſo as ſuch orders, by-laws or ordinances be made agreeable to the true intent and meaning of this act, and for the better putting in execution thereof, and for the good government and regulation of the perſons licenſed to keep coaches, and ſo as they do not contain any thing repugnant to the laws of the realm.

Acquittances to be *gratis.* XVI. And be it further enacted, That upon payment of the ſeveral ſums of fifty pounds hereby appointed to be paid as a fine upon granting licences, and upon payment of the reſpective rents thereupon to be reſerved as they ſhall grow due, the ſaid commiſſioners, or ſuch other perſon or perſons who ſhall be appointed, as aforeſaid, to receive the ſame, ſhall give acquittances *gratis* to the reſpective perſons ſo paying the ſame, under their hands and ſeals, which acquittances ſhall be a ſufficient diſcharge to the perſons paying the ſame.

By-laws to be approved by lord chancellor, &c. and executed by juſtice of peace, &c. XVII. Provided nevertheleſs, and it is enacted, That ſuch rules, orders and by-laws ſo to be made by the ſaid commiſſioners, ſhall be allowed and approved by the lord chancellor, lord keeper, or lords commiſſioners of the great ſeal of *England* for the time being, and the two chief juſtices of either bench, and the lord chief baron of the Exchequer, or any three of them; and after ſuch allowance, the ſame ſhall be printed and made publick; and the breach of any of the rules and orders appointed by this act, and the penalties thereupon, and the rules, orders and by-laws to be made by the ſaid commiſſioners, and allowed, as aforeſaid, and the forfeitures and penalties thereupon, ſhall be puniſhable, and inflicted, and put in execution by any juſtice of the peace, mayor, bailiff, or other magiſtrate of the county, city

city or place where ſuch offence ſhall be committed, in as full and ample manner, as the ſaid commiſſioners hereby to be appointed might do the ſame, and as if the ſaid by-laws, rules and orders were particularly inſerted in this preſent act; but no perſon ſhall be twice puniſhed for the ſame offence.

One hundred ſeventy five coaches by turns to drive upon the Lord's day. 29 Car. 2. c. 7.

XVIII. And whereas by one act of parliament made in the nine and twentieth year of the reign of King *Charles* the Second, intituled, *An act for the better obſervation of the Lord's day, commonly called* Sunday, the ſtanding to hire and driving of hackney-coaches on the Lord's day are reſtrained; and whereas the ſaid reſtraint is many times found to be inconvenient, as well in order to the obſervation of the day, as otherwiſe, be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid commiſſioners to appoint (without any fee or reward for the ſame) one hundred ſeventy five, and no more of the ſaid hackney-coaches to ply, ſtand and drive on the Lord's day, within the weekly bills of mortality only, ſo as the whole number of ſeven hundred may be imployed ſucceſſively.

Five pounds penalty for any other to drive.

XIX. And be it further enacted by the authority aforeſaid, That if at any time after the ſaid four and twentieth day of *June*, any hackney-coach ſhall ply, ſtand or drive upon the Lord's day, other than ſuch as ſhall be appointed, as aforeſaid, and for the days only for which they ſhall be reſpectively appointed, as aforeſaid, or any where elſe within the weekly bills of mortality, the owner of ſuch coach ſhall forfeit the ſum of five pounds, to be recovered by ſuch perſon as ſhall ſue for the ſame by action of debt, bill, plaint or information, wherein no protection, privilege or wager of law, or more than one imparlance ſhall be allowed.

Printed liſt of the Sunday coaches.

And for the more effectual diſcovery of ſuch coaches as ſhall offend herein, be it enacted by the authority aforeſaid, That the ſaid commiſſioners ſhall direct to be printed and made publick, one liſt or account of all the particular numbers of ſuch hackney-coaches as ſhall be appointed for every Lord's day ſucceſſively throughout the year.

Account annual before the auditors.

XX. And it is hereby further enacted, That an account of the profits and duties ariſing by virtue of this act, ſhall every year, during the continuance thereof, be made up before the auditors of the impreſt; and if any perſon or perſons, bodies politick or corporate, ſhall at any time hereafter procure or accept from their Majeſties, their heirs or ſucceſſors, any penſion, gift or grant for years or life, or any other eſtate, or any ſum or ſums of money out of the revenue ariſing by virtue of this act, that then every ſuch grant ſhall be void, and the perſon or perſons procuring or accepting the ſame, ſhall forfeit the ſum of five hundred pounds, the one moiety of which forfeiture ſhall be to the uſe of the poor of the pariſh where the ſaid offender ſhall inhabit, and the other moiety to him that ſhall ſue for the ſame, by action of debt, bill, plaint or information, in any of their Majeſties courts of record.

Grant of the King void, and 500 l. penalty upon grantee, &c.

CAP. XXIII.

EXP. An act for appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts of the kingdom.

CAP. XXIV.

EXP. An act for building good and defenſible ſhips.

Builders of 3 decked ſhips within 10 years to have a tenth part of cuſtoms of goods they export or import for the 3 firſt voyages. Ships made leſs after 3 voyages forfeited.

CAP. XXV.

EXP. An act for the better diſcipline of their Majeſties navy royal. ——*To continue in force for three years*, &c.

De Annis Regni GULIELMI & MARIÆ *ſexto & ſeptimo.*

AT *the parliament begun at* Weſtminſter *the twentieth day of* March, Anno Dom. 1689. *in the ſecond year of the reign of our ſovereign lord and lady*, William *and* Mary, *by the grace of God, of* England, Scotland, France, *and* Ireland, *King and Queen, defenders of the faith*, &c. *and from thence continued by ſeveral prorogations and adjournments to the twelfth day of* November, 1694. *being the ſixth ſeſſion of this preſent parliament.*

CAP. I.

An act for granting to their Majeſties a ſubſidy of tunnage and poundage, and other ſums of money payable upon merchandizes exported and imported.

Moſt gracious Sovereigns,

Made perpetual 1 Geo. 1. c. 12. 9 Ann. c. 6. 3 Geo. 1. c. 7.

THE commons, aſſembled in parliament, repoſing truſt and confidence in your Majeſties, for the guarding and defending of the ſeas againſt all perſons who ſhall attempt to invade this your realm, or to diſturb your ſubjects in their trade and commerce, towards the defraying the neceſſary charge thereof, and alſo for the better enabling your Majeſties to proſecute the preſent war againg the *French* King with vigour, have cheerfully and unanimouſly given and granted, and do hereby give and grant unto your Majeſties the ſubſidy of tunnage and poundage, and other ſums of money given and granted unto his late majeſty King *Charles* the Second for his life, by an act of parliament made in the twelfth year of his reign, intituled, *A ſubſidy granted to the King of tunnage and poundage, and other ſums of money payable upon merchandize exported and imported*, according to the rates in the ſaid act mentioned, and rules and orders thereunto annexed (other than ſuch concerning which it is otherwiſe provided or ordained by an act made in the laſt or in this preſent parliament) and do moſt humbly beſeech your Majeſties, that it may be enacted;

12 Car. 2. c. 4.

II. And

II. And be it enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the aforeſaid ſubſidy of tunnage and poundage, and other ſums of money payable upon merchandize, be levied, collected and paid unto their Majeſties for the term of five years, and no longer, to commence on the twenty ſixth day of *December*, in the year of our Lord one thouſand ſix hundred ninety four; and that the aforeſaid act, and every article, rule and clauſe therein mentioned, and alſo an order of the commons in parliament aſſembled, made in purſuance of the rules and orders annexed to the aforeſaid act, for ſettling of officers fees, dated the ſeventeenth of *May*, one thouſand ſix hundred ſixty two, and ſigned by Sir *Edward Turner* then ſpeaker, ſhall be of full force and effect to all intents and purpoſes, during the ſaid term of five years, as fully and in like manner, as if the ſame were particularly and at large recited and ſet down in the body of this act.

Tunnage and poundage given for five years.

12 Car. 2. c. 4. revived.

III. And be it further enacted by the authority aforeſaid, That an act of parliament made in the twelfth year of the reign of the ſaid King *Charles* the Second, intituled, *An act to prevent frauds and concealments of his Majeſty's cuſtoms and ſubſidies:* As alſo an act made in the fourteenth year of the reign of the ſaid late King, intituled, *An act for preventing frauds, and regulating abuſes in his Majeſty's cuſtoms:* and alſo an act made in the two and twentieth year of the reign of the ſaid late King *Charles* the Second, intituled, *An act for improvement of tillage, and the breed of cattle:* and alſo one other act made in the twenty fifth year of the reign of the ſaid late King *Charles* the Second, intituled, *An act for taking off aliens duty upon commodities of the growth, product, and manufacture of the nation:* and alſo one other act made in the ſaid twenty fifth year of the ſaid late King *Charles* the Second, intituled, *An act for the encouragement of the* Greenland *and* Eaſtland *trades, and for the better ſecuring the plantation trade:* and alſo one other act made in the firſt year of the late King *James* the Second, intituled, *An additional act for improvement of tillage*, be of full force and effect during the ſaid term of five years. Provided nevertheleſs, and be it declared and enacted, That nothing herein contained ſhall be conſtrued or taken to determine any articles or clauſes in any of the before mentioned acts, which were appointed and intended to be perpetual, or which are continued by any act of parliament, for any time which will not expire within the ſaid term of five years, but that the ſame and every of them ſhall continue and remain in force, as if this preſent act had not been made; but ſuch of the ſaid acts, and ſuch clauſes in any of them, as would otherwiſe determine within the ſaid term of five years, ſhall hereby be revived, and ſtand, continue, and be in force for the ſaid term of five years only, and no longer.

Several acts revived for 5 years.

12 Car. 2. c. 19.

13 & 14 Car. 2. c. 11.

22 Car. 2. c. 13.

25 Car. 2. c. 6.

25 Car. 2. c. 7.

1 Jac. 2. c. 19.

IV. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That if any goods, wares or merchandize, ſhall

Goods landed upon 25 December to pay duty.

ſhall happen to be imported into this kingdom upon the five and twentieth day of *December*, one thouſand ſix hundred ninety four, and not landed or put on ſhore upon the ſaid day, all the ſaid goods ſo imported, and not landed, ſhall be ſubject unto like duties, rates, payments and penalties, as if the ſame had been imported after the commencement of this grant; any thing herein contained to the contrary notwithſtanding.

Commiſſioners and officers of cuſtoms to take oath of execution upon penalty of forfeiting their office.

V. And be it further enacted by the authority aforeſaid, That two of their Majeſties commiſſioners of the cuſtoms, firſt named in the commiſſion, whereby they are now authorized to act, ſhall reſpectively take their corporal oaths before the chancellor or chief baron of the *Exchequer*, or maſter of the rolls for the time being; which they and every of them reſpectively are hereby authorized and required to adminiſter to them, on or before the firſt day of *January* next enſuing, for the true and faithful execution, to the beſt of their knowledge and power, of their ſeveral reſpective truſts committed to their charge and inſpection, and that they will not take or receive any reward or gratuity, directly or indirectly, other than their reſpective ſalaries, and what is or ſhall be allowed them from the crown, or the regular fees eſtabliſhed by law, for any ſervice done or to be done in the execution of their employment in the cuſtoms, on any account whatſoever. And every other of the ſaid commiſſioners, and the patent officers, and every of their deputies, clerks or ſervants, and all other officers who have or ſhall have any employment in or about their Majeſties cuſtoms within the port of *London*, ſhall before the firſt day of *February* next enſuing, or at their reſpective admiſſions hereafter to their reſpective employments, take the ſaid oath before any two commiſſioners of the cuſtoms, who are hereby authorized to adminiſter the ſame unto them, after they ſhall themſelves have taken the ſaid oath as aforeſaid. And all and every ſuch other patent officers, and every of their deputies, clerks or ſervants, and all other officers who have or ſhall have any employment in or about their Majeſties cuſtoms in the out-ports, or elſewhere, ſhall before the five and twentieth day of *March* next enſuing, or at their reſpective admiſſions into their reſpective employments, take the ſaid oath before two juſtices of the peace, in the county, town, or place, where his or their employments ſhall be, who are hereby authorized and required to adminiſter the ſame accordingly. And when any new commiſſion ſhall be at any time hereafter made or granted for the conſtituting of commiſſioners of the cuſtoms, the ſaid oath ſhall be adminiſtred and taken in like manner by the ſeveral and reſpective new commiſſioners, as is before directed. And if any of the ſaid commiſſioners or officers, their deputies, clerks or ſervants, ſhall neglect or refuſe to take the ſaid oath in ſuch manner as is hereby directed and appointed, every ſuch perſon ſo refuſing or neglecting ſhall forfeit ſuch his office or employment.

Certificate of oath taken to be returned to the ſeſſions.

VI. And be it further enacted by the authority aforeſaid, That the perſons hereby reſpectively authorized and required to adminiſter the oath hereby appointed to be taken, ſhall certify the taking

taking thereof to the next general quarter ſeſſions of the peace, to be held for the county, city or place, where ſuch oath ſhall be adminiſtred and taken; which certificate ſhall be recorded and kept amongſt the rolls of the ſaid general quarter ſeſſions.

Debentures, &c. due ſince December 24, to be paid.

VII. And leaſt any doubt ſhould ariſe by the intermiſſion or diſcontinuance of the duties hereby granted, whether debentures for any goods and merchandize exported, or any allowances or abatements for any damage or defects upon any goods or merchandize imported, or for over-entries, which according to the ordinary courſe of the cuſtoms ought to have been made or paid, ſhall be due and payable out of the duties hereby granted; it is hereby further enacted, That all ſuch debentures, allowances and abatements, as have incurred or grown due, according to the common rules and courſe of the cuſtoms, ſince the four and twentieth day of *December*, in the year of our Lord one thouſand ſix hundred and ninety, ſhall ſtill remain due and payable, and be allowed in their ordinary courſe, as if no ſuch intermiſſion or diſcontinuance had been made.

CAP. II.

An act for the frequent meeting and calling of parliaments.

Parliament to be held once in 3 years. 4 *Ed.* 3. c. 14. 36 *Ed.* 3. c. 10. 16 Car. 2. c. 1. 1 W. & M. ſt. 2. c. 2. By 1 Geo. 1. *ſtat.* 2. *c.* 38. *Parliaments are to continue for* 7 *years.*

WHEREAS *by the ancient laws, and ſtatutes of this kingdom, frequent parliaments ought to be held; and whereas frequent and new parliaments tend very much to the happy union and good agreement of the King and people*; we your Majeſties moſt loyal and obedient ſubjects, the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, do moſt humbly beſeech your moſt excellent Majeſties, that it may be declared and enacted in this preſent parliament; and it is hereby declared and enacted by the King's and Queen's moſt excellent majeſties, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth a parliament ſhall be holden once in three years at the leaſt.

Writs to be iſſued out once in 3 years.

II. And be it further enacted by the authority aforeſaid, That within three years at the fartheſt, from and after the diſſolution of this preſent parliament, and ſo from time to time for ever hereafter, within three years at the fartheſt, from and after the determination of every other parliament, legal writs under the great ſeal ſhall be iſſued by directions of your Majeſties, your heirs and ſucceſſors, for calling, aſſembling and holding another new parliament.

No parliament to laſt longer than 3 years.

III. And be it further enacted by the authority aforeſaid, That from henceforth no parliament whatſoever, that ſhall at any time hereafter be called, aſſembled or held, ſhall have any continuance longer than for three years only at the fartheſt, to be accounted from the day on which by the writs of ſummons the ſaid parliament ſhall be appointed to meet.

Preſent parlia-

IV. And be it further enacted by the authority aforeſaid, That this

ment to ceaſe 1 *November*, 1696.

this preſent parliament ſhall ceaſe and determine on the firſt day of *November*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix, unleſs their Majeſties ſhall think fit to diſſolve it ſooner.

CAP. III.

An act for granting to his Majeſty an aid of four ſhillings in the pound for one year; and for applying the yearly ſum of three hundred thouſand pounds for five years, out of the duties of tonnage and poundage, and other ſums of money, payable upon merchandizes exported and imported, for carrying on the war againſt France *with vigour.*

Ships for cruiſers appointed.

LXXIV. AND for the better ſecuring the trade of this kingdom, be it further enacted by the authority aforeſaid, That over and above the ſhips of war for the line of battle, and for convoys to remote parts, at the leaſt four ſhips of the third rate, ſixteen ſhips of the fourth rate, thirteen ſhips of the fifth rate, and ten ſhips of the ſixth rate, ſhall be from time to time directed and appointed by the lord high admiral of *England*, or commiſſioners for executing the ſaid office for the time being, to ſuch proper ſtations as they ſhall deem meet, to cruiſe for ſecuring the merchant ſhips in their going out and returning home.

Cruiſers may be imployed in battle.

LXXV. Provided always, and be it enacted, That nothing in this act contained, ſhall reſtrain or be conſtrued to reſtrain the lord high admiral of *England*, or the commiſſioners for executing the office of the lord high admiral of *England*, for the time being, from directing any of the ſhips, appointed by this act to be cruiſers, to be imployed in the line of battle in caſes of great neceſſity.

LXXVI. And whereas ſeveral perſons who did contribute, advance, or pay ſeveral of the ſums of money which have been contributed, advanced or paid, upon an act for granting to their Majeſties ſeveral rates and duties upon tunnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds towards carrying on the war againſt *France*, for annuities, ſhares or dividends upon the ſeveral yearly annuities of ten, twelve, and fourteen pounds *per centum* in the ſaid act mentioned, did not name to the auditor of the receipt, or clerk of the pells in the receipt of the Exchequer, by or within the reſpective times by the ſaid act appointed, the reſpective lives during which ſuch dividends, ſhares or annuities reſpectively were to continue; it is hereby further enacted and provided by the authority aforeſaid, That if ſuch perſons, or any of them, ſhall at any time or times, before the twentieth day of *March*, one thouſand ſix hundred ninety four, nominate to the auditor of the receipt, or clerk of the pells in the ſaid Exchequer, the reſpective lives (their own or others) during which ſuch dividends, ſhares or annuities ſhould continue reſpectively; that then, and

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in every ſuch caſe, his, her, or their nominees ſhall be entred in the books kept in the ſaid receipt for the nominees; and every ſuch contributor or contributors, his, her, and their executors, adminiſtrators or aſſigns reſpectively, ſhall have, receive, and enjoy ſuch and the like dividends, ſhares or annuities, for and in reſpect of the monies ſo contributed, advanced or paid, as he, ſhe or they might, ſhould or ought to have had, received or enjoyed, in caſe the reſpective lives for the ſame had been named within the reſpective times by the ſaid act preſcribed; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Appropriation of 1250000l. upon tunnage and poundage.

LXXVII. And whereas by an act of this preſent ſeſſion of parliament, entituled, *An act for granting to their Majeſties a ſubſidy of tunnage and poundage, and other ſums of money payable upon merchandizes exported and imported*, the ſubſidy of tunnage and poundage, and other duties payable upon merchandizes exported and imported, are granted to his Majeſty for the term of five years, to commence upon the ſix and twentieth day of *December*, one thouſand ſix hundred ninety and four: be it enacted by the the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *December*, one thouſand ſix hundred ninety and four, the yearly ſum of three hundred thouſand pounds of lawful *Engliſh* money, part of the monies ariſing by the ſaid act, ſhall by the receiver or receivers general, now and for the time being, of the cuſtoms, ſubſidies, and other duties upon goods and merchandizes imported and exported, or to be imported and exported, be brought and paid into the receipt of the Exchequer, diſtinctly and ſeparately from all other monies whatſoever, that are or ſhall be payable into the ſaid receipt; and that the payments of the ſaid yearly ſum of three hundred thouſand pounds ſhall be made into the ſaid receipt in manner following, that is to ſay, on the thirteenth day of *February*, one thouſand ſix hundred ninety and four, ſo much as the weekly ſum of five thouſand ſix hundred pounds, to be computed from the ſaid five and twentieth day of *December*, until the ſaid thirteenth day of *February*, ſhall amount unto, and afterwards, upon *Wedneſday* in every week (if it be not a holyday, and if it be, then upon the next day in every ſuch week that is not an holiday) the weekly ſum of five thouſand ſix hundred pounds ſhall be paid, as aforeſaid, as one week ſhall ſucceſſively and immediately follow or ſucceed after another, during the whole term of five years by the laſt mentioned act granted; and in caſe in any week or weeks, the whole receipt of the monies upon the ſame act ſhall not be ſufficient to anſwer the weekly payment or payments hereby directed for ſuch particular week or weeks, that then, and ſo often the deficiency and deficiencies thereof ſhall be ſupplied and made good out of the whole receipts of cuſtoms, ſubſidies, and other duties upon the act laſt mentioned, ariſing in the next week or weeks, when

when the receipt or receipts will be ſufficient to bear the ſame; and that on every feaſt day of the annunciation of the bleſſed virgin *Mary*, the nativity of Saint *John Baptiſt*, Saint *Michael* the archangel, and the birth of our Lord *Chriſt*, during the ſaid term of five years, or within fourteen days after every ſuch feaſt day, ſo much money ſhall be paid into the ſaid receipt by the ſaid receiver or receivers general, out of the monies ariſing by the act laſt mentioned, as together with the ſaid weekly payment which ſhall have been made, ſhall compleatly make up, ſatisfy, and diſcharge the entire ſum of ſeventy five thouſand pounds, for each and every the reſpective quarter on ſuch feaſt day ending; and that the ſaid yearly ſum of three hundred thouſand pounds, and every part thereof, ſhall be applied and diſpoſed, and the ſame is hereby appropriated for and towards the payment and ſatisfaction of the ſum, not exceeding twelve hundred and fifty thouſand pounds, hereby authorized to be borrowed thereupon, and the intereſt thereof as is herein after mentioned; one moiety of which twelve hundred and fifty thouſand pounds ſhall be, and is hereby appropriated to the uſe of the navy and ordnance for ſea ſervice, and the other moiety for the land ſervice.

Clauſe of credit upon tunnage and poundage.

LXXVIII. And for the better and more ſpeedy ſupplying his Majeſty with monies, for the more effectual carrying on of the war againſt the *French* King, it is hereby further enacted, by the the authority aforeſaid, That it ſhall and may be lawful, to and for his Majeſty, or the officers of the Exchequer by his command and appointment, to borrow, receive, and take, at the receipt of the Exchequer, by way of loan, from any perſon or perſons, natives or foreigners, bodies politick or corporate, that are, or ſhall be willing to lend the ſame, any ſum or ſums of money, not exceeding the ſaid ſum of twelve hundred and fifty thouſand pounds, upon credit of the ſaid yearly ſum of three hundred thouſand pounds hereby appropriated, and to be ſupplied out of ſuch cuſtoms, ſubſidies, or other duties as are before mentioned; and that tallies of loan ſhall be levied for all and every ſum and ſums of money ſo to be lent; and that orders, according to the courſe of the Exchequer, ſhall be drawn, ſigned and iſſued for the repayment of the ſame, and for payment of intereſt for the forbearance of every ſuch ſum of money, which intereſt ſhall not exceed the rate of five pounds *per centum per annum* for the firſt three hundred thouſand pounds; ſix pounds *per centum per annum* for the ſecond three hundred thouſand pounds; ſeven pounds *per centum per annum* for the third three hundred thouſand pounds; and eight pounds *per centum per annum* for the remaining three hundred and fifty thouſand pounds; and ſhall be payable every three months from the reſpective dates of the tallies of loan, until the ſatisfaction of the reſpective principal ſums; and in every ſuch order it ſhall be expreſſed, and mentioned, that the principal ſum contained therein, and the intereſt thereof, ſhall be paid, or payable out of the ſaid yearly ſum of three hundred thouſand pounds,

pounds, hereby appropriated and appointed to be paid and ſupplied out of the cuſtoms, ſubſidies, or other duties, as aforeſaid; and all and every ſuch order or orders, and the monies therein to be contained, or any part thereof, ſhall be aſſignable and transferrable without power of revocation, ſo as the aſſignments thereof be endorſed upon the reſpective orders, and entred or notified in the office of the auditor of the receipt of the Exchequer, in a book to be there kept for that purpoſe: and that all and every the ſum and ſums of money ſo to be lent to his Majeſty, upon the credit of the ſaid yearly ſum of three hundred thouſand pounds, ſhall be free from all manner of taxes and impoſitions, impoſed, or to be impoſed by parliament, or otherwiſe howſoever.

Regiſter, talley, order, &c. upon tunnage and poundage.

LXXIX. And to the end that all the monies hereby appropriated or appointed, as aforeſaid, towards the ſatisfaction of the ſaid ſum, not exceeding twelve hundred and fifty thouſand pounds, hereby authorized to be borrowed, and the intereſt thereof, may be duly applied thereunto, and not diverted to any other uſe, be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in the office of the auditor of the receipt of Exchequer, one book and regiſter, in which all the weekly and other payments which ſhall be made into the Exchequer, for, or upon the ſaid yearly ſum of three hundred thouſand pounds, payable out of the ſaid cuſtoms, ſubſidies, or other duties, as aforeſaid, ſhall be entred and regiſtred apart, and ſeparate from all other monies payable into the ſaid receipt, and that a diſtinct regiſter ſhall be there kept for all the orders of repayment for the ſaid ſum, not exceeding twelve hundred and fifty thouſand pounds, in which the ſaid orders ſhall be regiſtred in courſe, according to the date of the tallies reſpectively, without any other preference of one before another: and that all and every perſon and perſons ſhall be paid in courſe, according as their orders ſhall ſtand entred in the ſaid regiſter book, ſo as a perſon, native or foreigner, his executors, adminiſtrators and aſſigns, who ſhall have his order or orders firſt entred in the ſaid book of regiſter, ſhall be taken and accounted the firſt perſon to be paid upon the monies to come in by virtue of this act, and he or they who ſhall have his or their order or orders next entred, ſhall be taken and accounted to be the ſecond perſon to be paid, and ſo ſucceſſively, and in courſe; and that the monies to come in by the purport or directions of this act, of, or for the ſaid yearly ſum of three hundred thouſand pounds, ſhall be in the ſame order liable to the ſatisfaction of the reſpective lenders, their executors, adminiſtrators and aſſigns ſucceſſively, according to the dates of their tallies, without any other preference of one before another, and ſhall not be diverted or divertible to any other uſe, intent or purpoſe whatſoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken for providing or making of any books, entries, regiſters, views, or ſearch, in or for payment of money lent, upon the ſaid yearly ſum of three hundred thouſand pounds, or in-

intereſt, as aforeſaid, by any of his Majeſty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party agrieved by the party offending, with coſts of ſuit, or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry or payment, contrary to the true meaning of this act, in reference to the ſaid yearly ſum of three hundred thouſand pounds, or the principal or intereſt to be paid out of the ſame, by any ſuch officer or officers, then the party offending, ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages or coſts to the party aggrieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages and coſts, and ſhall be for ever after uncapable of his place or office. And in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment according to each perſon's due place and order, as afore directed, in reference to the ſaid yearly ſum of three hundred thouſand pounds, or the ſaid principal and intereſt to be paid out of the ſame, then he or they ſhall be adjudged to forfeit, and their reſpective deputies and clerks herein offending, to be liable to ſuch action, debt, damages and coſts in ſuch manner, as aforeſaid; all which ſaid penalties, forfeitures, and damages, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, ſhall and may be recovered, by action of debt, bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction or order of reſtraint, ſhall be in any wiſe granted or allowed.

Preference. LXXX. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for repayment of money lent upon the yearly ſum before mentioned, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference, which of thoſe he entred firſt, ſo he enters them all the ſame day.

Preference. LXXXI. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of the payments laſt mentioned, if the auditor direct, or the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their monies, and bring their order before other perſons that did not come to demand their money, and bring their order in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them.

Draw-backs and ſalaries ſaved. LXXXII. Provided always, That any thing in this act contained concerning the ſaid weekly payments to be made into the receipt of the Exchequer, or otherwiſe, ſhall not be conſtrued to

to obſtruct or hinder the payment of debentures for goods to be reſhipt, or the allowances for damaged goods, or the payment of ſalaries, or other incident charges neceſſary for the management of the revenue of cuſtoms, in any manner of wiſe; this act or any thing herein contained to the contrary notwithſtanding.

Account to be given of bank bills and intereſt upon them

LXXXVIII. And to the end that all perſons that ſhall have the receipt or payment of his Majeſty's revenue, may render an account of the intereſt that ſhall ariſe by the bills or notes, commonly called bank bills, while they ſhall remain in their hands, and of all other profit made by them, of any of his Majeſty's money, be it enacted by the authority aforeſaid, That from and after the twentieth day of *February*, one thouſand ſix hundred ninety and four, the receiver general of the cuſtoms, and his deputies, the caſhier of the exciſe and his deputy, receivers general of all aids granted, or to be granted to his Majeſty, ſhall account upon oath, before the barons of his Majeſty's court of Exchequer, for all intereſt that ſhall ariſe by virtue of the bank bills they ſhall take in payment for any cuſtoms, aids, or other duties belonging to his Majeſty, or of bank bills by them taken for any monies by them paid into the bank of *England*, which monies they received for any ſuch cuſtoms, aids or duties, as aforeſaid, from the time they received the ſame bank bills, until payment made of ſuch monies into the receipt of his Majeſty's Exchequer; and that the tellers of his Majeſty's Exchequer and their deputies, ſhall in like manner account, upon oath, for all intereſt that ſhall ariſe by virtue of the bank bills they ſhall take in payment upon his Majeſty's account, during the time they ſhall remain in their hands; and the pay-maſter of the army and his caſhiers, the agents to regiments, treaſurer of the navy and his caſhiers, the caſhiers to the victuallers, and caſhiers to the ordnance, in like manner, ſhall account upon oath for all intereſt that ſhall ariſe by virtue of the bank bills they ſhall take in payment upon his Majeſty's account, or which they ſhall take upon payment into the bank of any monies by them received for his Majeſty's ſervice, from the time they received the ſame, until payment be made by them of the monies for which ſuch bank bills are given, to the ſeveral perſons to whoſe uſe the ſaid money was iſſued by the lords of his Majeſty's treaſury, or their acceptance of ſuch bank bills in ſatisfaction of the money due to them; and that the ſaid ſeveral perſons beforementioned, ſhall pay into the Exchequer for his Majeſty's uſe, all ſuch intereſt or other profit as ſhall be found upon ſuch their accounts to have been received; every ſuch account to be made at the time they make and give in their accounts, touching their receipts of his Majeſty's money; and if any of the ſaid perſons beforementioned, ſhall neglect to account, as aforeſaid, or to pay into the Exchequer the monies found due upon ſuch their account, they ſhall forfeit five hundred pounds.

Account to be given of the cruiſers ſtations, &c. to next parliament.

LXXXIX. And that it may the better appear how the ſervice in this preſent act appointed for ſhips to cruiſe in proper ſtations, to ſecure the merchants ſhips in their going out and returning home is performed, be it enacted by the authority aforeſaid, That the lord high admiral of *England*, or commiſſioners for executing the office of lord high admiral of *England* for the time being, ſhall, and are hereby reſpectively required to exhibit to the commons aſſembled in parliament, at the next ſeſſion of parliament, which ſhall happen after the firſt day of *Auguſt*, one thouſand ſix hundred ninety and five, a certificate in writing, under his or their hands reſpectively, of the ſhips by him or them reſpectively ſet out in purſuance of the directions of this preſent act, expreſſing therein the names and rates of the ſhips ſet out, and the times when by him or them reſpectively ordered, as alſo the ſtations to which they were directed, and the times how long they were continued at ſea in that ſervice.

CAP. IV.

An act for exempting apothecaries from ſerving the offices of conſtable, ſcavenger, and other pariſh and ward offices, and from ſerving upon juries.

WHEREAS *the art of the apothecary is of great and general uſe and benefit, by reaſon of their conſtant and neceſſary aſſiſtance to his Majeſty's ſubjects, which ſhould oblige them ſolely to attend the duty of their profeſſions; yet by reaſon that they are compelled to ſerve ſeveral pariſh, ward, and leet offices, in the places where they live, and are frequently ſummoned to ſerve on juries and inqueſts, which take up great part of their time, they cannot perform the truſts repoſed in them as they ought, nor attend the ſick with ſuch diligence as is required: and whereas King* James *the Firſt, by his letters patents under the great ſeal of* England, *did incorporate the apothecaries exerciſing that art within* London *and ſeven miles compaſs, by the name of* the maſter, wardens, and ſociety of the art and myſtery of the apothecaries of the city of *London:*

Apothecaries within London, and 7 miles thereof, exempt from offices.

II. Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, uſing and exerciſing, or that hereafter ſhall uſe and exerciſe, the art of an apothecary within the ſaid city of *London*, and ſeven miles thereof; being free of the ſaid ſociety, and who already have been, or hereafter ſhall be duly examined of his ſkill in the ſaid myſtery, and ſhall be approved of for the ſame, and every of them, for ſo long as he or they ſhall uſe and exerciſe the ſaid art and no longer, ſhall and may at all times hereafter be freed and exempted from the ſeveral offices of conſtable, ſcavenger, overſeer of the poor, and all other pariſh, ward,

ward, and leet offices, and of and from the being put into or ſerving upon any juries or inqueſts; and if at any time hereafter any ſuch perſon or perſons uſing the ſaid art, and being qualified as aforeſaid, ſhall be choſen or elected into any of the ſaid offices, or returned, required, or appointed to ſerve in any jury, leet, or inqueſt, or be diſquieted or diſturbed by reaſon thereof, that then ſuch perſon or perſons, producing a teſtimonial under the common ſeal of the ſaid corporation, of ſuch his examination, approbation, and freedom, to the perſon or perſons, by whom he ſhall be ſo elected or appointed, or by or before whom he ſhall be ſo ſummoned, returned, or required to ſerve or hold any of the ſaid offices or duties, ſhall be abſolutely diſcharged from the ſame, and ſuch nomination, election, return, and appointment ſhall be utterly void, and of none effect; any order, cuſtom, law, or ſtatute, to the contrary in any wiſe notwithſtanding.

Country apothecaries, who have ſerved 7 years exempted from offices.

III. And be it further enacted by the authority aforeſaid, That all perſons uſing and exerciſing, or that hereafter ſhall uſe and exerciſe the ſaid art of an apothecary within any other parts of this kingdom, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and who have been brought up and ſerved, or hereafter ſhall be brought up and ſerve in the ſaid art as an apprentice, by the ſpace of ſeven years, according to the ſtatute of the fifth of Queen *Elizabeth*, ſhall likewiſe from henceforth be freed and exempted from all and ſingular the offices and duties aforeſaid, within the ſeveral counties, cities, and places, where they live and inhabit, for ſo long as he or they ſhall uſe and exerciſe the ſaid art, and no longer; and if any perſon or perſons ſo qualified ſhall be elected or choſen into any of the ſaid offices, or returned to ſerve in any jury, leet, or inqueſt, ſuch nomination, election, return, and appointment, ſhall be void, unleſs ſuch perſon or perſons ſhall voluntarily conſent and agree to hold ſuch office, or ſerve upon ſuch jury, leet, or inqueſt. Provided always, That nothing herein contained ſhall be conſtrued to exempt or excuſe any apothecary that is or ſhall, before the commencement of this act, be elected or appointed to ſerve any of the ſaid offices, from ſerving in the ſaid offices for the uſual time for which he was ſo elected and appointed. Provided always, That this act ſhall continue for the ſpace of ſeven years, and from thence to the end of the next ſeſſion of parliament, and no longer. *Made perpetual by* 9 *Geo.* 1. *c.* 8. *ſ.* 1.

5 El. c. 4.

Apothecaries already choſen not exempted. This act to continue 7 years.

CAP. V.

An act for enabling ſuch perſons as have eſtates for life in annuities, payable by ſeveral former acts therein mentioned, to purchaſe and obtain further or more certain intereſts in ſuch annuities; and in default thereof, for admitting other perſons to purchaſe or obtain the ſame, for raiſing monies for carrying on the war againſt France.

4 & 5 W. & M. c. 3. WHEREAS *in and by an act of this preſent parliament made in a ſeſſion which was held in the fourth and fifth years of the reign of King* William *and Queen* Mary, *intituled,* An act for granting to their Majeſties certain rates and duties of exciſe upon beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France, certain rates or duties of exciſe upon beer, ale, vinegar, cyder, perry, brandy, and other liquors or commodities, therein enumerated and mentioned, are granted, charged, and made payable, during the ſpace and term of ninety and nine years, commencing from the five and twentieth day of* January, *in the year of our Lord one thouſand ſix hundred ninety and two, which rates or duties are thereby appointed to be levied, collected, and paid, during the ſaid term of ninety and nine years, and to be brought into the receipt of* Exchequer, *in ſuch manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as in and by the ſaid act are preſcribed, mentioned, or referred unto: and it was thereby enacted, That it ſhould or might be lawful for any perſons, natives or foreigners, to contribute towards the advancing the ſum of ten hundred thouſand pounds for the purpoſes therein mentioned, by paying into the receipt of* Exchequer, *ſuch ſum or ſums of money, by ſuch time, and upon ſuch terms reſpectively, as in the ſaid act are particularly mentioned and expreſſed:*

II. *And whereas by another act of this preſent parliament, made in a ſeſſion held in the fifth and ſixth years of the reign of King* William *and Queen* Mary, *intituled,* An act for granting to their Majeſties ſeveral rates and duties upon tunnage of ſhips, and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds, towards carrying on the war againſt *France, divers impoſitions, rates, and duties, for and upon the tunnage of ſuch ſhips and veſſels as are therein mentioned, are granted and made payable, during the term of four years, commencing from the firſt day of* June, *in the year of our Lord one thouſand ſix hundred ninety four: and it was thereby further enacted, That from and after the ſeventeenth day of* May, *which ſhould be in the year of our Lord one thouſand ſix hundred ninety ſeven, there ſhould be raiſed, levied, collected, and paid to his Majeſty and the late Queen (of bleſſed memory) their heirs and ſucceſſors, for beer, ale, cyder and other liquors therein expreſſed, by way of exciſe, certain additional rates and duties therein particularly expreſſed; and the ſaid impoſitions, rates or duties, ſo to ariſe by or upon the tunnage of ſhips or veſſels, granted*

5 & 6 W. & M. c. 20.

for

for the term of four years, as aforeſaid; and the ſaid additional rates or duties of exciſe, ſo granted and made payable for ever by the act laſt mentioned, are to be raiſed, levied, and collected, and to be brought into the receipt of Exchequer, *in ſuch manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as by the ſame act are preſcribed: and it is hereby further enacted, That each weekly or other payment, ariſing by and out of the duties and impoſitions granted by the act laſt mentioned, ſhould, by the auditor of the receipt of the* Exchequer, *from time to time, as the ſame ſhould be paid in, be ſeparated and divided into five ſeventh parts, and two ſeventh parts: and it was thereby enacted, That it ſhould and might be lawful for any perſons, natives or foreigners, to contribute towards the advancing of the ſum of three hundred thouſand pounds (part of the ſum of fifteen hundred thouſand pounds therein mentioned) by paying into the receipt of the* Exchequer, *ſuch ſum and ſums of money, within ſuch time, and upon the ſeveral and reſpective terms of having and receiving certain annuities, for one, two, or three lives, according to the ſeveral rates and proportions as are in the ſame act particularly expreſſed, as by the ſaid ſeveral acts of parliament (relation being thereunto had) may more fully appear:* 4 & 5 W. & M. c. 3.

III. *And whereas by virtue or in purſuance of the ſaid act, which granted certain duties of exciſe, to ſecure recompences and advantages to the perſons that ſhould advance the ſum of ten hundred thouſand pounds, as aforeſaid, and another act of this preſent parliament, for ſupplying the deficiency of the money, which was to be raiſed by the act laſt mentioned, and by virtue or in purſuance of the clauſes relating to the ſaid ſum of three hundred thouſand pounds in the ſaid act, impoſing a duty of tunnage upon ſhips, and additional rates of exciſe, as aforeſaid, divers perſons as well natives as foreigners, have actually advanced and contributed, and paid into the receipt of the* Exchequer, *ſeveral ſums of money, amounting in the whole to thirteen hundred thouſand pounds, upon the ſeveral and reſpective terms in the ſame acts mentioned in relation to ſuch contributions; and for part thereof, to wit, for the ſum of nine hundred eighty one thouſand ſix hundred and nineteen pounds, one ſhilling, and nine pence, or thereabouts, ſo advanced and contributed, the reſpective contributors of the ſame are or were intituled to have, receive, and enjoy, for and during ſeveral ſingle lives only (that is to ſay) during the life of every ſuch contributor, or the nominee of ſuch contributors reſpectively, an annuity, yearly rent, or payment, after the rate of fourteen pounds of lawful* Engliſh *money for every hundred pounds ſo advanced or contributed, payable at the four moſt uſual feaſts in the year by equal portions:* 5 & 6 W. & M. c. 5.

IV. *And whereas the perſons, who are or may be intituled to ſuch eſtates for ſingle lives in the ſaid annuities, or ſome of them, are or may be willing and deſirous (for a reaſonable price or conſideration) to have ſuch their reſpective eſtates for ſingle lives changed or converted into a certain term or terms for ninety ſix years, to be computed from the five and twentieth day of* January, *which ſhall be in the year of our Lord one thouſand ſix hundred ninety five, of and in ſuch or the like annuities as they have for ſingle lives, as aforeſaid, or that they, or ſuch as they ſhall nominate, his, her, or their executors, adminiſtrators, and aſſigns reſpectively (for the like price or conſideration)*

ſhall or may be intituled to have, receive, and enjoy the like annuity, from and after the determination of his, her, or their eſtate for a ſingle life, as aforeſaid, for and during the reſidue which ſhall be then to come and unexpired of the ſaid term of ninety ſix years; and in caſes where the preſent owner of an annuity for a ſingle life, as aforeſaid, is or may be unwilling (if any ſuch be) to purchaſe a further or more certain eſtate or intereſt therein, it is likely that ſome other perſon or perſons is or may be deſirous to be admitted (though at a rate or conſideration ſomething higher) to purchaſe a future eſtate or intereſt in ſuch or the like annuity or annuities, to take effect from and after the determination of the term for the ſingle life in being, and to continue for and during the reſidue and remainder of the ſaid term of ninety ſix years, which ſhall be then to come and unexpired: now for the encouragement of ſuch perſons as ſhall voluntarily contribute or advance, at the reſpective rates herein after mentioned, any monies into the receipt of his Majeſty's *Exchequer* for ſuch further or more certain eſtates or intereſts, as aforeſaid, and for the better ſupplying of monies (with as much eaſe, and at as little charge, as may be) for the carrying on the war againſt the *French* King;

Any perſon having 14 l. per cent. for life upon the former acts may turn it into an eſtate of 96 years for 63 l.

V. Be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, being (as original contributors, or by meſne aſſignments, or by other lawful ways and means) intituled to any eſtate for one life (his own, or the life of any other perſon) of or in any annuity purchaſed or obtained upon the acts aforeſaid, or any of them, at the ſaid rates of one hundred pounds for every fourteen pounds *per annum*, at any time before the four and twentieth day of *July*, one thouſand ſix hundred ninety five, to advance and pay into the receipt of his Majeſty's *Exchequer*, ſo much money as every or any ſuch annuity, being computed for four years and an half, doth or ſhall amount to (that is to ſay) every ſuch perſon ſhall or may pay to his Majeſty's uſe, for every hundred pounds that was paid for the ſingle life in an annuity of fourteen pounds *per annum*, the ſum of ſixty three pounds more, for changing or converting the ſame into a certain term for the ſaid ninety ſix years, or for a further intereſt, to take effect after the eſtate for life, as aforeſaid, and in the ſame proportion for higher or larger annuities; and every ſuch perſon, on ſuch payment made, ſhall immediately have one or more talley or tallies, importing the receipt of the conſideration money ſo paid, and upon every ſuch talley there ſhall be written proper words purporting (at the election of the contributor, or of the perſon by him authorized to pay in his money) that ſuch payment is made either in conſideration of changing and converting ſuch his annuity for life into a certain and abſolute eſtate or term for the ſaid ninety ſix years, or elſe in conſideration of a like annuity, to be payable to him or them, or to ſuch as he or they ſhall nominate,

minate, his, her, or their executors, adminiſtrators, and aſſigns, from the determination of ſuch eſtate for life, during the then reſidue of the ſaid ninety ſix years, and that by or upon the making every ſuch payment, as aforeſaid, in every caſe where the talley ſhall import the changing or converting the eſtate for life into a term of ninety ſix years, the perſon or perſons ſo contributing the ſaid conſideration money, or the perſon or perſons to be nominated, as aforeſaid, his, her, or their executors, adminiſtrators, and aſſigns, ſhall be intituled to have, receive, and enjoy, and ſhall have, receive, and enjoy, and ſhall have a good, ſure, and abſolute eſtate and intereſt of and in an annuity, yearly rent, or payment (equal by the year to the annuity which he, ſhe, or they had before for one life) for and during the ſaid whole term of ninety ſix years, to be paid and payable out of ſome of the funds in the ſaid acts mentioned (that is to ſay) out of ſuch of them reſpectively, as the annuity for life was by the ſaid act charged upon, and to be paid at the four moſt uſual feaſts in the year, by equal portions, as the annuities by the ſaid former acts are payable; and in all ſuch caſes the preſent eſtates for life ſhall be underſtood to be merged or extinguiſhed in the ſaid term of years; and that in every caſe where the ſaid tallies ſhall import the conſideration money to be paid for a future intereſt, to take effect either in the perſon that contributes the ſame, or in any others to be nominated as aforeſaid, the perſon or perſons ſo contributing the ſaid conſideration money, or ſo to be nominated, his, her or their executors, adminiſtrators and aſſigns, ſhall preſently have a good, ſure and abſolute eſtate veſted in him, her or them by this act, and which ſhall take effect (as a future intereſt) after the determination of the eſtate for life, and continue and endure, during ſo long time as ſhall be then to come and unexpired, of and in the ſaid term of ninety ſix years; and in the caſes laſt mentioned it is to be underſtood, that the preſent eſtate for life is continued.

Perſon having an eſtate for life not taking advantage before July. any other paying 70 l. ſhall have a term of 96 years charged with the former eſtate.

VI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, being intituled to any eſtate for one life in being, in any ſuch preſent annuity or annuities as aforeſaid, ſhall not before the ſaid four and twentieth day of *July*, one thouſand ſix hundred ninety five, advance and pay into the receipt of the *Exchequer*, ſuch rate or conſideration money as is before mentioned, for changing ſuch his, her or their eſtate for life, into a term certain, or for a future intereſt as aforeſaid, that then and in every ſuch caſe it ſhall and may be lawful to and for any perſon or perſons whatſoever, natives or foreigners (having or not having any property or intereſt in ſuch eſtate for life) at any time or times after the ſaid four and twentieth day of *July*, and on or before the twelfth day of *November*, in the year of our Lord one thouſand ſix hundred ninety five, to contribute, advance and pay into the ſaid receipt of the *Exchequer*, ſo much money as any ſuch annuity, being computed for five years, doth or ſhall amount to (that is to ſay) for every hundred pounds that was paid for the ſingle life, in an annuity of fourteen pounds a year, there ſhall be paid in all the caſes

laſt mentioned, the ſum of ſeventy pounds for the ſaid term of ninety ſix years (to commence and be reckoned as aforeſaid, and to be charged with and ſubject to the preſent eſtate for life) of and in the ſame or the like annuity, and there ſhall be paid a rate or conſideration in the ſame proportion for annuities exceeding fourteen pounds a year; and every ſuch perſon, on ſuch payment made, ſhall immediately have a talley or tallies importing the receipt of the conſideration money ſo paid; and upon every ſuch talley proper words ſhall be written, ſignifying that ſuch payment is made in conſideration that ſuch contributor or contributors, or ſuch perſon or perſons as ſhall be named by him, her or them, or by ſuch as he, ſhe or they ſhall authorize to pay in the money, his, her or their executors, adminiſtrators and aſſigns, are to have and enjoy the ſaid terms of ninety ſix years in ſuch annuity, charged with and ſubject nevertheleſs to the ſaid particular eſtate for life then in being; and that by or upon the making of every ſuch payment, after the rate of ſeventy pounds *per centum*, the perſon or perſons ſo contributing or advancing the conſideration money, or the perſon or perſons to be nominated as aforeſaid, his, her or their executors, adminiſtrators and aſſigns, ſhall have a good eſtate or intereſt in every or any ſuch annuity ſo to be purchaſed or paid for, during the ſaid term of ninety ſix years (ſubject nevertheleſs to the ſaid particular eſtate for life in being) and after the determination of ſuch particular eſtate for life, ſhall have, receive and enjoy, and be intituled to have, receive and enjoy, ſuch annuity or yearly rent or payment ſo purchaſed or paid for, during all the reſt and reſidue which ſhall be then to come and unexpired of and in the ſaid term of ninety ſix years, to be paid and payable out of ſuch of the ſaid funds as the annuity for life was firſt charged upon, or payable out of, and to be paid at the four moſt uſual feaſts in the year, by equal portions as aforeſaid.

Order in the Exchequer and appropriation of the duties given in the former acts to payment of this new advance.

VII. And be it further enacted by the authority aforeſaid, That immediately after the levying and ſtriking of the ſeveral and reſpective tallies before mentioned, orders (according to the form and courſe of the *Exchequer*, in parchment or vellum) ſhall be drawn and ſigned, for making the payments which by this act are to be made, and according as by this act they are appointed to be made, upon the ſeveral and reſpective annuities ſo to be purchaſed or obtained in purſuance hereof; which orders ſhall not be determinable, revocable or countermandable; and the monies payable by ſuch orders, or any of them, or any part thereof, ſhall be aſſignable and transferrable, in ſuch and the ſame manner and form, as are enacted, preſcribed or appointed in and by the abovesaid act, which granted duties of exciſe to ſecure recompences and advantages to ſuch as ſhould advance the ſum of ten hundred thouſand pounds, for or concerning the orders which were to be given to the contributors upon that act; and ſo much of the ſeveral rates and duties of exciſe, and of the ſaid impoſition ariſing by the tunnage of ſhips and veſ-

ſels,

ſels, granted by the ſeveral acts above mentioned, as is and ſhall be ſufficient to pay and ſatisfy the ſeveral ſums of money which ſhall from time to time grow due and be payable upon the ſaid ſeveral annuities to be purchaſed and obtained in purſuance of this act, and which ſhall reſpectively be charged upon the rates, duties or impoſitions aforeſaid, is and ſhall be appropriated and applied, and the ſame is hereby appropriated, to and for the payment of the ſaid ſeveral annuities to be purchaſed and obtained in purſuance of this act, according as the ſame ſhall become due by the purport and true meaning thereof; and ſhall not be diverted or divertible to any other uſe, intent or purpoſe whatſoever, under the like penalties, forfeitures and diſabilities, in reſpect to all and every the officers and other perſons that are or ought to be concerned in the payments thereof, as are appointed and enacted (in caſe of diverting or miſapplying, or not paying) in and by the ſaid act which granted duties of exciſe to ſecure recompences and advantages to ſuch as ſhould advance the ſum of ten hundred thouſand pounds; and every article, rule and clauſe in the ſaid laſt mentioned act contained, as for and concerning any penalties, forfeitures or diſabilities, upon any officers or others, for miſapplying or diverting any of the duties or ſums of money thereby granted, ſhall be of full force and effect to all intents and purpoſes, during the continuance of the ſaid term of ninety ſix years; and the ſaid penalties and forfeitures ſhall be ſued for, proſecuted, recovered and paid, in ſuch manner and form as the penalties in the act laſt mentioned are appointed to be ſued for, proſecuted, recovered or paid; in which ſuit no protection, privilege of parliament, or other privilege, wager of law, or any more than one imparlance ſhall be allowed. And the ſaid officers are hereby required to keep books and regiſters, and to make entries of the names of all perſons who ſhall advance monies on this act, and of all perſons to be nominated as aforeſaid, and of the ſeveral ſums ſo advanced, and the times of paying in the ſame reſpectively, and of the nature of each payment to be made in purſuance of this act, to which all perſons concerned ſhall have acceſs; all which the ſaid officers for the time being ſhall do or perform, without fee or reward, under the like penalties, forfeitures and diſabilities, as in the like caſes are appointed to be inflicted by the act laſt mentioned.

VIII. And be it further enacted, That any monies payable to any perſon or perſons, upon or by virtue of this act, for annuities to be purchaſed or obtained as aforeſaid, ſhall not be charged or chargeable to or with any taxes or publick rates, duties or impoſitions whatſoever. Monies advanced to be taxed.

IX. And be it further enacted, That it ſhall and may be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under the age of twenty one years, for the uſe and benefit of ſuch infant, to advance and pay any ſum, not exceeding ſeventy pounds of the monies of ſuch infant, upon any the terms in this act mentioned; and ſuch infant, upon the payment Guardians advance for infants.

ment of the ſame, ſhall become a contributor within the meaning of this act, and be intituled to the annuity, for which ſuch ſum ſhall be ſo paid, and the ſaid guardian or truſtee, as to the ſum ſo advanced, is hereby diſcharged.

Puniſhment upon perſon that ſhall fraudulently advance money, his nominee being dead.

X. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall fraudulently contribute any ſum or ſums of money upon this act, under colour or pretence of having an eſtate for a ſingle life changed or converted into a term certain as aforeſaid, or under colour or pretence of purchaſing or obtaining an intereſt to take effect (in point of payment) after a ſingle life ſuppoſed to be in being, when in truth and reality the particular eſtate for ſuch ſingle life (at the time of the paying the conſideration money ſo to be contributed or advanced) ſhall be actually determined by the death of the nominee, or perſon during whoſe life ſuch particular eſtate was to continue, that then and in every ſuch caſe the conſideration money, or ſum ſo to be advanced or contributed, ſhall be forfeited and loſt to his Majeſty; and no eſtate, intereſt or term, for or in reſpect of the ſame, ſhall by this act ariſe or be veſted either in ſuch contributor, or in any perſon to be nominated for him, her or them as aforeſaid, or in his, her or their executors, adminiſtrators or aſſigns; and ſuch contributor, for every ſuch offence, ſhall forfeit the ſum of one hundred pounds, one moiety thereof to his Majeſty, and the other moiety to him or them that ſhall diſcover ſuch offence, and ſue for the ſaid ſum, by action of debt, bill, ſuit or information as aforeſaid; any thing herein contained to the contrary notwithſtanding.

Manner of orders upon the changing eſtates.

XI. Provided always, and it is hereby enacted, That when as any the ſaid particular eſtates for ſingle lives ſhall be changed into certain terms of years, and be thereby merged or extinguiſhed, according to the true meaning of this act as aforeſaid, the orders which were made and ſigned purſuant to the ſaid former acts, for the annuities payable during ſuch ſingle lives, ſhall be brought into the receipt of the *Exchequer*, and there remain as vouchers for the payments already made, without making any further iſſues or payments thereupon, for any time beyond the feaſt of the nativity of our Lord, which ſhall be in the year one thouſand ſix hundred ninety five, from which feaſt day the iſſues or payments of the reſpective annuities, hereby appointed to be paid, ſhall be made upon the ſaid orders, which are to be drawn and ſigned in purſuance of this act; and in all caſes where the ſaid annuities, or any of them, are by this act to be paid to the contributor, or ſuch as he ſhall nominate, his executors, adminiſtrators or aſſigns, for a term of years, without depending upon a life, it ſhall not be neceſſary or requiſite for him or them, in order to obtain his or their payments thereof, to produce a certificate ſigned by any miniſter or churchwardens, or to make any other proof of a nominee's being alive; any thing in this or the ſaid former acts, or any of them, to the contrary notwithſtanding.

Appropriation of money advanced.

XII. And it is hereby further enacted by the authority aforeſaid, That out of the money that ſhall be levied or paid by virtue

tue of this act into the receipt of his Majeſty's *Exchequer*, as well upon loans as otherwiſe, one moiety thereof ſhall be, and it is hereby appropriated, for the ſervices of the navy and ordnance for ſea ſervice, performed and to be performed; and that all other money which ſhall be levied and paid by virtue of this act into the receipt of the *Exchequer*, as well upon loans as otherwiſe, ſhall be applied and appropriated, and is hereby appropriated, to and for the payment of his Majeſty's land forces and armies, and the paying for arms, ammunition and other charges incident to the war, and not otherwiſe.

Rules for payment, &c.

XIII. And for the more effectual doing thereof, and that the ſums by this act appropriated may not be diverted or applied to any other purpoſe, than is hereby declared and intended; be it enacted by the authority aforeſaid, That the rules and directions appointed and enacted in one act made in the firſt year of his Majeſty's reign, intituled, *An act for a grant to their Majeſties of an aid of two ſhillings in the pound for one year*, for the ſpeedy payment of money, thereby granted, into the receipt of the *Exchequer*, by the collectors and receivers, and for diſtribution and application thereof, and keeping diſtinct accounts of the ſame, and all other proviſions, pains, penalties, and forfeitures, thereby enacted, in caſe of diverſion of any money thereby appropriated, are hereby revived and enacted to be in force, and ſhall be practiſed, applied, executed, and put in ure, for and concerning the diſtribution and application of the ſaid ſums hereby appropriated, as fully, amply, and effectually, as if the ſame were here particularly repeated and re-enacted.

1 W. & M. ſt. 2. c. 1.

Clauſe of loan at 5 l. per cent. if 618,420 l. 6 d. be not advanced.

XIV. And be it enacted by the authority aforeſaid, That if the whole ſum of ſix hundred eighteen thouſand four hundred and twenty pounds and ſix pence be not advanced and paid into the *Exchequer* upon this act, before the firſt day of *Auguſt*, one thouſand ſix hundred and ninety five, that then it ſhall and may be lawful for his Majeſty, or his officers in the receipt of his Majeſty's *Exchequer*, by his command and appointment, to borrow and take into the ſaid receipt for his Majeſty's uſe, by way of loan, any ſum or ſums of money, which together with the whole value or amount of all the ſums of money which ſhall, before the ſaid firſt day of *Auguſt*, be contributed or adventured, as aforeſaid, ſhall not exceed the ſum of ſix hundred eighteen thouſand four hundred and twenty pounds and ſix pence; which ſum or ſums, ſo taken up by way of loan, ſhall and may be charged upon the credit of his Majeſty's *Exchequer* in general, and tallies of loan, and orders of repayment of the ſame, ſhall be levied and drawn accordingly, which ſaid orders ſhall be aſſignable and transferrable from one perſon to another.

How to be repaid.

XV. And it is hereby enacted, That all and every ſum and ſums of money, ſo to be borrowed, not exceeding as aforeſaid, together with intereſt for the ſame, not exceeding the rate of five pounds *per centum per annum*, to be paid every three months, until ſatisfaction of the principal, ſhall be payable and ſatisfied unto the reſpective lender or lenders of the ſame, his, her, or their

their executors, adminiſtrators, or aſſigns, out of the monies which ſhall afterwards ariſe and be brought into the *Exchequer* by or for contributions or conſideration monies upon this act, ſo far as the ſame will extend; and in caſe the money ſo ariſing by this act ſhall not be ſufficient for the paying thereof, then the ſaid loans, which ſhall remain unſatisfied, and the intereſt of the ſame, ſhall be paid and ſatisfied out of the next aids or ſupplies to be granted to his Majeſty in parliament, and ſhall be transferred and transferrable thereunto, as ſoon as any ſuch aid or ſupply ſhall be granted to his Majeſty; and if no ſuch aids or ſupplies ſhall be granted to his Majeſty before the twentieth day of *February*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and five, then the ſaid ſum and ſums of money, ſo to be borrowed, not exceeding as aforeſaid, and the intereſt thereof, ſhall be payable and be paid and ſatisfied to the ſaid lender or lenders, his, her, or their executors, adminiſtrators, or aſſigns reſpectively, by and out of any of his Majeſty's treaſure, which from thenceforth ſhall come into, be, or remain in the receipt of his Majeſty's *Exchequer*, not being already appropriated to any particular uſes by any act or acts of parliament before this time made.

9 & 10 W. 3. c. 5. ſ. 4. 11 & 12 W. 3. c. 3. ſ. 8.

CAP. VI.

An act for granting to his Majeſty certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war againſt France *with vigour.*

Moſt gracious Sovereign,

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, from a deep ſenſe of the many great occaſions which engage your Majeſty in many extraordinary expences for the neceſſary defence of your realms, and the proſecution of a war againſt *France* with vigour, have cheerfully and unanimouſly given and granted unto your Majeſty, as an additional ſupply and aid, the rates, duties, impoſitions, and ſums of money herein after mentioned; and we moſt humbly beſeech your Majeſty that it may be enacted, *&c.* — *The other ſections, concerning duties upon burials, marriages, &c. for five years, are EXP.*

XXIV. And be it further enacted for the better levying and collecting the duties granted by this act, That all perſons in holy orders, deans, parſons, deacons, vicars, curates, and their or any of their ſubſtitutes, do within their reſpective pariſhes, precincts, and places, take an exact and true account, and keep a regiſter in writing of all and every perſon or perſons married, buried, chriſtened, or born in his or their reſpective pariſhes or precincts, or in ſuch common burying places as their reſpective pariſhioners are uſually buried in, to which book or regiſter the collectors, for the reſpective pariſhes and places, and all other perſons

Regiſter to be kept in every pariſh, of marriages, births, and burials. *By* 4 Annæ, c. 12. ſ. 10.

Parſons, &c. not keeping regiſter are indemnified.

perſons concerned, ſhall have free acceſs to view the ſame at all ſeaſonable times, without any fee or reward; and if any ſuch parſon or miniſter ſhall refuſe or neglect to keep a true regiſter thereof, as before is directed, ſuch parſon or other miniſter ſo offending ſhall forfeit the ſum of one hundred pounds, to be recovered by ſuch perſon as ſhall ſue for the ſame, in any of his Majeſty's courts of record at *Weſtminſter*, by any action of debt, bill, plaint, or information, wherein no eſſoin, wager of law, or protection, ſhall be allowed, and wherein the proſecutor ſhall recover his full coſts; the moiety of which forfeiture ſhall be to the uſe of the King's majeſty, his heirs, and ſucceſſors, and the other moiety to the perſons who ſhall inform and ſue for the ſame.

Penalty upon vicar, &c. marrying in privileged place without licence. *Extended by* 7 & 8 W. 3. c. 35. ſ. 2. *to places not exempt, &c.*

LII. And be it further enacted by the authority aforeſaid, That no perſon ſhall be married at any place pretending to be exempt from the viſitation of the biſhop of the dioceſe, without a licence firſt had and obtained, except the banns ſhall be publiſhed and certified according to law; and that every parſon, vicar, and curate, who ſhall marry any perſons contrary to the true intent and meaning hereof, ſhall forfeit the ſum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record; one moiety whereof to the King, his heirs, and ſucceſſors, and the other moiety to the informer who ſhall ſue for the ſame; and ſhall for the ſecond offence be ſuſpended *ab officio & beneficio*, for the ſpace of three years.

CAP. VII.

An act for granting to his Majeſty ſeveral additional duties upon coffee, tea, chocolate, and ſpices, towards ſatisfaction of the debts due for tranſport ſervice for the reduction of Ireland.

The new duty. *Revived* 9 & 10 W. 3. c. 14. *Continued* 12 & 13 W. 3. c. 12. 7 Annæ, c. 7. ſ. 26. 5 & 6 W. & M. c. 23.

WHEREAS *for the reducing the kingdom of* Ireland *to its due obedience to his Majeſty, ſeveral ſhips of his Majeſty's ſubjects were hired for tranſporting forces, ammunition, and proviſions into the ſaid kingdom; to the ſeveral owners of which ſaid ſhips there is due the ſum of three hundred thirty thouſand ſeven hundred ſixty nine pounds ten ſhillings and ſeven pence principal money, as appears by a report made to the houſe of commons by the commiſſioners appointed by one act of parliament made in the fifth and ſixth years of the reign of King* William *and Queen* Mary, *intituled*, An act for appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts of the kingdom: we your Majeſty's moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, being willing that a fund may be raiſed for the anſwering and paying to your Majeſty's ſaid ſubjects, the ſeveral and reſpective owners of the ſaid ſhips, intereſt for the ſaid money, from the firſt day of *May*, one thouſand ſix hundred ninety five, for the ſpace of three years, after the rate of five pounds for the intereſt of every hundred pounds for one whole year, and ſo proportionably for

for any greater or leſſer ſum, do hereby give and grant unto your Majeſty the additional and other duties and impoſitions upon the ſeveral ſorts of goods and merchandizes herein ſpecified, which ſhall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, during ſuch time, and in ſuch manner and form, as herein after followeth, and do humbly pray your Majeſty that it may be enacted:

Duties upon ſeveral goods given.

II. And be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That there ſhall be anſwered and paid to his Majeſty, his heirs and ſucceſſors, for the ſeveral goods and merchandizes hereafter mentioned, which ſhall be imported into this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, at any time after the firſt day of *May*, in the year of our Lord, one thouſand ſix hundred ninety five, and before the ſecond day of *May*, in the year of our Lord one thouſand ſix hundred ninety eight, over and above all duties already payable for the ſame, at the cuſtom houſe, the further rates and ſums following, that is to ſay, (1) For every hundred weight of coffee imported as aforeſaid, accounting one hundred and twelve pounds to the hundred, fifty ſix ſhillings of lawful *Engliſh* money. (2) For every hundred weight of cocoa nuts imported, and containing as aforeſaid, from any the plantations belonging to the crown of *England*, fifty ſix ſhillings. (3) For every hundred weight of cocoa nuts, imported, and containing as aforeſaid, from any other country or place, from whence they may by law be imported, four pounds and four ſhillings of like lawful *Engliſh* money. (4) For every pound of chocolate ready made, imported as aforeſaid, one ſhilling. (5) For every pound of cocoa paſte imported as aforeſaid, two ſhillings. (6) For every pound of tea regularly imported as aforeſaid, from whence the ſame might have been lawfully imported before the making of this act, one ſhilling. (7) For every pound of tea imported as aforeſaid, from *Holland*, or any other country, not the place of its growth, or uſual ſhipping, two ſhillings and ſix pence *per* pound weight, and ſo proportionably for any greater or leſſer quantity of any of the commodities imported as aforeſaid reſpectively. (8) For all nutmegs, cinnamon, cloves, and mace, imported as aforeſaid, five pounds for every hundred pounds value thereof according to the ſeveral values charged on them reſpectively in the book of rates, and ſo in proportion for any greater or leſſer quantity thereof, over and above all duties now payable for the ſame. (9) For all pictures imported within the time aforeſaid whether for private uſe, or ſale, which are hereby permitted to be imported during the continuance of this act, any law or uſe to the contrary notwithſtanding, twenty pounds of lawful *Engliſh* money *per centum* of the value, to be affirmed by the oath of the importer, and ſo in proportion for any greater or leſſer quantity thereof.

Coffee per 100 wt. 2l. 16s.

Cocoa from Engliſh plantations per 100 wt. 2l. 16s. other cocoa, 4l. 4s.

Chocolate per lb. 1s.

Cocoa paſte per lb. 2s.

Tea imported from the place of its growth, per lb. 1s. other tea per lb. 2s. 6d.

Nutmegs, &c. per cent. 5l.

Pictures per cent. 20l.

Theſe duties, except on nutmegs, &c. repealed by 8 Geo. 1. c. 20. 10 Geo. 1. c. 10. ſ. 1. *and new ones impoſed.* 1 W. & M. ſ. 2. c. 6.

III. Provided, and be it further enacted by the authority afore-

aforeſaid, That it ſhall and may be lawful for any perſon or perſons to import into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, during the continuance of this act, nutmegs, cinnamon, cloves, mace, and tea, ſubject to the ſeveral duties payable for the ſame, from any parts beyond the ſeas, in *Engliſh* ſhips, whereof the maſter and at leaſt two thirds of the mariners are *Engliſhmen*, ſo as notice be firſt given to the commiſſioners or farmers of his Majeſty's cuſtoms, of the quality and quantity of the ſaid ſpices ſo intended to be imported, with the name of the ſhip, and maſter or commander on which they are to be loaden, and the place into which they intend to import the ſame, and taking a licence under the hands of the commiſſioners or farmers of the cuſtoms for the time being, or any three of them, for the lading and importing thereof, as aforeſaid; which licence they are hereby authorized and required to grant, without any fee or reward, or any other charge to the perſon demanding the ſame; any law, cuſtom, or uſage, to the contrary notwithſtanding.

Ships importing nutmegs, &c. how to be navigated. *Altered by* 3 & 4 Annæ, c. 4. ſ. 6.

IV. And be it further enacted by the authority aforeſaid, That if any of the commodities aforeſaid, whereof the duties are or ſhall be due, ſhall be unſhipped or laid on land, the duties due or to be due for the ſame not paid, or lawfully tendred to the collector thereof, or his deputy, with the conſent and agreement of the comptroller and ſurveyor there, nor agreed with for the ſame in the cuſtom houſe, according to the true meaning of this act, that then from the ſaid firſt day of *May*, one thouſand ſix hundred ninety five, all the ſaid goods and merchandizes ſhall be forfeited; the one moiety of the ſaid goods ſo forfeited ſhall be to his Majeſty's uſe, and the other moiety to him or them that will ſeize or ſue for the ſame, without any compoſition whatſoever.

Goods forfeited, if landed before duties paid.

V. Provided always, and be it further enacted and declared by the authority aforeſaid, That every merchant or other importer, having paid the ſaid duties and impoſitions in and by this act appointed to be paid for any of the ſaid goods or merchandizes herein mentioned, which might by law have been imported before the making of this act, who, being a native, ſhall within twelve months, or an alien, ſhall within nine months, next after ſuch his importation thereof, again ſhip off and carry out of this kingdom, or any part thereof, the ſaid goods or merchandizes, or any part thereof, to any part beyond the ſeas, that ſuch merchant or other importer, on ſuch his exportation thereof, ſhall be repaid two thirds of the duties ſo by him paid by virtue of this act, of ſo much of the ſaid goods and merchandizes which he ſhall ſo export or ſhip off; the ſaid merchant or exporter making oath on his debenture *in hæc verba*, That all the goods, entred and ſhipped as there certified, are really and truly exported for parts beyond the ſeas on his own account, if he acts for himſelf or if he acts by commiſſion, then on the account of ſuch perſon or perſons for whom the deponent acts in the direction of the voyage, and that none of the

Drawback of two thirds upon exportation. *Altered as to the drawback on coffee and tea by* 10 Ann. c. 26. ſ. 38. *Theſe* 12 *and* 9 *months are enlarged to* 3 *years by* 7 *Geo.* 1. ſtat. 1. c. 21. ſ. 10.

ſaid goods have been ſince landed, or are intended to be relanded, in *England*, *Wales* or *Berwick*.

Collector to keep a diſtinct account, and make weekly payments into the Exchequer.

VI. And be it further enacted and ordained by the authority aforeſaid, That all and every the officer and officers, who ſhall be concerned in the levying, collecting, and receiving the duties granted by this act, do keep a ſeparate and diſtinct account thereof, and pay the ſame, *in ſpecie*, into the receipt of his Majeſty's *Exchequer* weekly, on *Wedneſday* in every week, unleſs it be an holiday, and if it be, then on the next day that is not an holiday; and upon neglect or refuſal of the ſame ſhall incur the penalties, forfeitures, damages, and coſts, as other the officers of the *Exchequer* herein after mentioned ſhall be liable to; which money ſo paid in ſhall be applied to the uſes hereafter mentioned in this act, and no otherwiſe.

Theſe duties to be a yearly fund. *Made perpetual, and part of the ſecurity of the Bank Fund by 7 Ann. c. 7. and the ſurplus part of the aggregate fund by 1 Geo. 1. c. 12.*

VII. Provided, and it is further enacted by the authority aforeſaid, That there ſhall be provided and kept in his Majeſty's *Exchequer* (that is to ſay) in the office of the auditor of the receipts, one book or regiſter, in which all monies that ſhall be paid into the *Exchequer* by virtue of this act, ſhall be entred, regiſtred and kept apart and diſtinct from all other monies paid or payable to his Majeſty upon any other branch of his Majeſty's revenue, or upon any other account whatſoever; and that all monies that ſhall be paid into the *Exchequer* by virtue of this act ſhall be the yearly fund for the ſeveral and reſpective purpoſes herein after mentioned and expreſſed, and ſhall not be applied to any other purpoſe whatſoever.

Debentures to the ſeveral ſhips to be made, entred, numbred, and have due preference,

VIII. Provided, and it is further enacted by the authority aforeſaid, That the commiſſioners for tranſportation do, within three months after the paſſing this act, make out authentick debentures for each ſum of money due to or for every reſpective ſhip, as the ſame was adjuſted by the commiſſioners for taking and ſtating the publick accounts of the kingdom; and that ſuch debenture, when made out, be delivered either to the owner of, or to the agent appearing for, every ſuch reſpective ſhip; and ſhall be made payable to ſuch perſon or his aſſigns, as ſuch reſpective owner or his agent ſhall nominate, for the uſe of the owners of the reſpective ſhips; and that ſuch owner or agent ſhall, upon the receipt of ſuch debenture, give a receipt to the ſaid commiſſioners for tranſportation, for every ſuch debenture, which ſaid receipt ſhall be entred in a book kept for that purpoſe in the office of tranſportation; and that ſuch debenture or debentures be numbred in courſe, beginning with the firſt ſhip that was hired, with the figure of one, and ſo ſucceſſively, according to the day the ſaid ſhips were hired, whether by his Majeſty's commiſſioners for the navy, the officers for victualling, the officers of the ordnance, or the commiſſioners for tranſportation, to the end that no undue preference may be made; and if it ſo fall out, that more than one ſhip was hired in one day, the reſpective owner or agent ſhall have his or their debentures numbred, as their reſpective ſhips ſtand regiſtred in the reſpective offices where they were taken up or hired.

IX. Pro-

IX. Provided, and it is further enacted by the authority aforeſaid, That all the ſaid debentures ſhall be produced and ſhewn in the ſaid office of the auditor of the receipt in the *Exchequer*, and a note or memorandum thereof ſhall be entred and taken in a book to be kept for the ſaid purpoſe, in the ſame office; and that all the monies that ſhall be paid into the *Exchequer* by virtue of this act ſhall be applied to the payment of the ſeveral perſons named in the ſaid ſeveral debentures, and their ſeveral and reſpective executors, adminiſtrators, or aſſigns, for the uſes aforeſaid, intereſt for their ſeveral and reſpective principal ſums of money mentioned and expreſſed in ſuch debentures, from the five and twentieth day of *December*, one thouſand ſix hundred ninety five, for the ſpace of three years, from thence next and immediately enſuing, after the rate of five pounds *per centum* for one whole year, by two equal payments: the firſt payment to be made upon the ſaid five and twentieth day of *December*. and the monies to be paid upon them with intereſt at 5 l. per cent. *Farther provided for by* 8 & 9 W. 3. c. 25.

X. Provided, and it is further enacted by the authority aforeſaid, That if all the monies that ſhall be paid into the *Exchequer* by virtue of this act ſhall not be ſufficient to ſatisfy and pay intereſt for all the ſaid ſum of three hundred thirty thouſand ſeven hundred ſixty nine pounds ten ſhillings and ſeven pence, principal money, for the ſaid ſpace of three years, at the ſaid rate of five pounds *per centum* for one whole year; then there ſhall be no preference of any of the ſaid perſons named in the ſaid debentures, but ſuch deficiency ſhall fall upon the ſaid perſons named in the ſaid debentures, their ſeveral and reſpective executors, adminiſtrators and aſſigns, ratably and proportionably, according to the quantity of their reſpective debts mentioned in the ſaid debentures. If monies fall ſhort debentures to be on an average.

XI. Provided, and it is further enacted by the authority aforeſaid, That if any officer in the *Exchequer* ſhall divert or miſapply any of the monies that ſhall be paid into the *Exchequer*, by virtue of this act, to any other uſes or purpoſes than are hereby directed, then ſuch officer ſo offending ſhall forfeit his office in the *Exchequer*, and be incapable of any office or place of truſt, and ſhall be liable to pay the double value of any ſum or ſums ſo diverted or miſapplied, to any of the ſaid perſons named in the ſaid debentures, their reſpective executors, adminiſtrators or aſſigns, who will ſue for the ſame, by any action of debt, bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, ſhall be granted or allowed; and all orders and warrants for iſſuing, paying, or diſpoſing any of the money to be raiſed by virtue of this act, contrary to the true intent and meaning thereof, ſhall be utterly void. Puniſhment of officer miſapplying.

XII. Provided, and it is further enacted and ordained by the authority aforeſaid, That all ſuch of the ſaid debts due to any owners of ſuch tranſport ſhips, and all parts of ſuch debts, as have been at any time aſſigned or granted, or covenanted and agreed Debt upon the tranſport ſhips already aſſigned redeemable within 12 months.

agreed to be aſſigned or granted, or for which any authority hath hitherto been given or granted by any of the ſaid owners, their reſpective executors or adminiſtrators, to any perſon or perſons to receive the ſame, or any part thereof, to the uſe of ſuch perſon ſo authorized, or any other perſon, beſides ſuch owner, his or her executors or adminiſtrators, ſhall and may be redeemed, and are hereby declared to be redeemable by the ſaid owners, their reſpective executors or adminiſtrators, on payment of the principal ſum of money paid in conſideration of making the ſaid aſſignment, grant, covenant, or authority, together with the charges and intereſt for the ſame, from the time of the payment thereof, after the rate of ſix pounds *per centum* for one whole year, diſcounting for what hath been received, for or in reſpect of the ſaid debt, by any ſuch perſon to whom ſuch aſſignment or authority was made or given; and upon payment or tender of the ſaid principal money, intereſt, and charges, ſuch grant, aſſignment, or authority, and all covenants and agreements concerning the ſame, ſhall be void. Provided nevertheleſs, That ſuch redemption as aforeſaid be made within the ſpace of twelve months, from and after the end of this preſent ſeſſion of parliament.

No fee for making debentures, &c.

XIII. Provided, and be it further enacted, That no fee, reward, or gratuity, directly or indirectly, ſhall be demanded or taken of any of the ſaid owners or agents, their reſpective executors, adminiſtrators, or aſſigns, for the making any the ſaid debentures, or the payment of any of the ſaid monies, or for providing or making of any books, regiſters, or entries, or permitting any views or ſearches relating to this act, by any of his Majeſty's officers in the *Exchequer*, upon pain of forfeiting their offices and places, and of becoming incapable of any office of truſt, and upon pain of payment of treble the value of any ſuch fee, reward, or gratuity, to the party grieved, with coſts of ſuit; the ſame treble value to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

Officer attending, when not bound, may take fee.

XIV. And whereas it may be a reaſonable accommodation for trade, That the officers of the cuſtoms be permitted, on ſundry urgent occaſions, to work at times and places not required by law, for which extraordinary attendances the merchant or other perſon concerned is willing to make a moderate allowance, if the officer might be juſtified in receiving the ſame; be it enacted by the authority aforeſaid, That it ſhall and may be lawful for any officer duly employed in the execution of his office, on any extraordinary ſervice not required by law, to take and receive ſuch recompence from the merchant or other perſon deſiring his attendance, as the commiſſioners of the cuſtoms in the port of *London*, and the collector, cuſtomer, and comptroller in the out ports, or any two of them reſpectively (by whom the ſufferance is thought requiſite to be granted) ſhall determine.

CAP.

CAP. VIII.

EXP.

An act for continuing two former acts for puniſhing officers and ſoldiers, who ſhall mutiny or deſert his Majeſty's ſervice, and for puniſhing falſe muſters, and for payment of quarters, for one year longer. 4 & 5 W. & M. c. 13. 5 & 6 W. & M. c. 15.

CAP. IX.

An act for appointing and enabling commiſſioners to examine, take, and ſtate the publick accounts. EXP.

CAP. X.

An act for the better admeaſurement of keels and keel boats in the port of Newcaſtle, *and the members thereunto belonging.*

WHEREAS *by two ſeveral ſtatutes heretofore made, the one in the ninth year of the reign of King* Henry *the Fifth, intituled,* keels that carry coals at *Newcaſtle,* ſhall be meaſured and marked; *and the other in the thirtieth year of our late ſovereign lord King* Charles *the Second, intituled,* An act for the admeaſurement of keels and boats carrying coals; *for the remedy of deceits therein complained of (amongſt other things) it was thereby enacted, That commiſſioners ſhould from time to time be appointed by his ſaid late Majeſty, his heirs and ſucceſſors, for the admeaſuring and marking all and every the keels and other boats, and wains, and carts uſed, or in any time thereafter to be uſed, for the carriage of coals in the port of* Newcaſtle *upon* Tyne, Sunderland *upon the river* Weare, Culler-coates, Seaton-ſluice, Blyth-nook, *and all and every of the members, havens, creeks, and places whatſoever, to the ſaid port of* Newcaſtle *belonging, upon the forfeiture that every keel, boat, wain, or cart, which ſhould thereafter carry coals in any of the aforeſaid places, before they ſhall be admeaſured and marked, as aforeſaid, ſhould be forfeited, together with the coals laden upon them: notwithſtanding which divers new frauds, deceits and abuſes have of late ariſen, and are daily practiſed, to the diminution of his Majeſty's cuſtoms, and the great prejudice and damage of the buyers and ſellers of coals;* for remedy whereof, 9 H. 5. c. 10. 30 Car. 2. ſtat. 1. c. 8.

II. Be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That commiſſioners ſhall from time to time be appointed by his Majeſty, his heirs and ſucceſſors, for the admeaſuring and marking all and every the keels, pan-keels, and pan-boats, and other boats, and wains, and carts uſed, or in any time hereafter to be uſed, for the carriage of coals in the port of *Newcaſtle upon Tyne, Sunderland* upon the river *Weare, Culler-coates, Seaton-ſluice, Blyth-nook,* and all other places within the counties of *Northumberland* and *Durham,* and all and every the members, havens, rivers, creeks and places whatſoever, to the ſaid port of *Newcaſtle,* and counties aforeſaid belonging; which ſaid admeaſurement ſhall be by a dead weight of lead or iron, or otherwiſe, as ſhall ſeem meet to the ſaid commiſſioners, or any three of them, allowing three and fifty hundred weight to every chaldron of coals; which ſaid keels, boats, wains, or carts, ſhall be admeaſured and marked at the times

Commiſſioners to be appointed by the King for admeaſurement of keels in Newcaſtle, &c. 11 Geo. 2. c. 15. ſ. 8.

and places and in manner hereafter mentioned; any thing in the ſaid former acts to the contrary notwithſtanding.

The content of a cart load, &c.

III. Provided always, That the weight or contents of coals, loaden or carried by every ſuch wain, ſhall be of the weight or content of ſeventeen hundred weight and an half, and the weight or contents of coals, loaden or carried by every ſuch cart, ſhall be of the weight or content of eight hundred and three quarters; and that three ſuch wains, or ſix ſuch carts, ſhall be reckoned and allowed for one chaldron, and no more, and that no other wains or carts are hereby intended to be admeaſured or marked, but only ſuch wains and carts as are now or hereafter ſhall be employed in carrying coals to the ſtaiths, to be directly put from the ſtaiths into the ſhips, and no others.

Carts and keels to be meaſured and marked by commiſſioners.

IV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any three or more of them, ſhall cauſe all and every of the ſaid keels, boats, wains and carts to be admeaſured accordingly; and ſhall give three days notice of the time and place of ſuch admeaſurement to the owner or owners thereof, and cauſe the ſaid keels and boats ſo admeaſured, to be marked and nailed on each ſide the ſtem and ſtern and midſhip thereof, or otherwiſe as they the ſaid commiſſioners, or any three of them, in their diſcretions ſhall direct; and the ſaid wains and carts to be marked and nailed on the head and ſides of the ſaid wains, carts, or otherwiſe, as the ſaid commiſſioners, or any three of them ſhall direct, or by ſuch perſons as ſhall be by them thereunto appointed; which perſons ſo appointed ſhall take an oath before the ſaid commiſſioners, or any three of them, for the true and impartial performance and diſcharging the ſame; which oath the ſaid commiſſioners are hereby impowered to adminiſter: and if the owner or owners of ſuch keels or boats, wains or carts, ſhall after ſuch notice neglect or refuſe to have their ſaid keels, boats, wains or carts ſo admeaſured, they and every of them ſhall incur the penalty hereafter mentioned.

Content of a keel, and time and place of admeaſurement.

V. Provided, That no ſuch keel or boat be admeaſured, marked or nailed, but between the five and twentieth day of *March*, and the nine and twentieth day of *September*, in any year, nor ſhall be admeaſured, marked or nailed, to carry more than ten ſuch chaldrons of coals at any one time; and that all ſuch keels and boats belonging to the port of *Newcaſtle* ſhall be admeaſured, marked and nailed at the new key of the ſaid port, and that the keels and boats belonging to the river *Weare* ſhall be admeaſured, marked and nailed at *Lambton Staiths*, upon the ſaid river, and not elſewhere; and that all the keels and boats belonging to *Culler-coats*, *Seaton-ſluice*, *Blyth-nook*, and all other places within the ſaid counties of *Northumberland* and *Durham*, as alſo all wains and carts, to be admeaſured and marked by virtue of this act, ſhall be admeaſured and marked at ſuch times and places as the ſaid commiſſioners or any three of them ſhall direct.

Keel, &c. not marked forfeited.

VI. And be it further enacted by the authority aforeſaid, That every keel, boat, wain or cart, which from and after the four

four and twentieth day of *July*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and five, ſhall carry any coals in any of the places aforeſaid, before they ſhall be admeaſured, marked and nailed as aforeſaid, by three commiſſioners or more of them, ſhall be and are hereby declared to be forfeited, together with the coals that ſhall be laden upon them (unleſs the ſame ſhall happen by default of the ſaid commiſſioners) one moiety of all which forementioned forfeitures ſhall be to the King's Majeſty, his heirs and ſucceſſors, the other moiety to him or them that ſhall diſcover and ſue for the ſame in any of his Majeſty's courts of record, by bill, plaint or information, wherein no eſſoin, protection, imparlance or wager of law ſhall be allowed; any ſtatute, law or uſage to the contrary notwithſtanding.

Puniſhment of perſon removing or altering the mark.

VII. And be it further enacted by the authority aforeſaid, That in caſe after the admeaſuring, marking and nailing of any keel, boat, wain or cart, the mark ſhall be removed or altered whereby to fruſtrate the intent and meaning of this act, that every perſon and perſons, that ſhall have a hand in or be privy to the doing thereof, and ſhall upon proof thereof, by one or more credible witneſſes, before any one or more juſtice or juſtices of the peace of the counties where the ſaid offence ſhall happen to be committed, and convicted thereof, ſuch perſon or perſons ſo as aforeſaid convicted, ſhall forfeit the ſum of ten pounds, to be levied upon his or their goods and chattels by diſtreſs and ſale thereof, by warrant under the hand and ſeal of the ſaid juſtice or juſtices, rendring the overplus, if any, to the party or parties diſtrained upon; and for want of ſufficient diſtreſs, the parties ſo offending ſhall, by like warrant, be committed to the common gaol of the ſaid county where the offence ſhall be committed, there to remain for the ſpace of three months without bail or mainprize; one half part of the ſaid forfeiture to his Majeſty, his heirs and ſucceſſors, and the other half part thereof to ſuch perſon or perſons as ſhall make ſuch diſcovery; and alſo that after any ſuch offence as aforeſaid committed, by altering or removing any of the marks or nails that ſhall be ſet upon any ſuch keels, boats, wains or carts, by virtue of this act, That from thenceforth, and ſo often as any ſuch offence ſhall be committed as aforeſaid, the ſaid commiſſioners, or any three of them, or ſuch perſon or perſons as ſhall be by them appointed, ſhall have authority, and are hereby authorized and impowered to admeaſure, mark and nail the ſaid keels, boats, wains and carts anew, according to the directions hereby before given.

CAP. XI.

An act for the more effectual ſuppreſſing profane curſing and ſwearing.

WHEREAS *it is found by experience, That an act of parliament made in the one and twentieth year of the reign of King* James *the firſt, intituled,* An act to prevent and reform profane ſwearing and curſing, *hath proved ineffectual to the ſuppreſſing of theſe deteſtable ſins, by reaſon of ſome deficiencies in the* 21 Jac. 1. 19 Geo. 2.

ſaid act; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons ſhall (after the four and twentieth day of *June*, in the year of our Lord one thouſand ſix hundred ninety five) profanely ſwear or curſe in the preſence or hearing of any juſtice of peace of the county, riding, or diviſion, or of the mayor or other head officer, or juſtice of peace for any city or town corporate, where ſuch offence is or ſhall be committed, or that ſhall be thereof convicted by oath of one witneſs, or by the confeſſion of the party offending, before any juſtice of peace of the county, or mayor, or bailiff, or other chief officer or juſtice of the peace of ſuch city or town corporate, where the ſaid offence ſhall be committed; that then for every ſuch offence, the party ſo offending ſhall forfeit and pay to the uſe of the poor of the pariſh where ſuch offence or offences ſhall be committed, the reſpective ſums herein after mentioned (that is to ſay) every ſervant, day labourer, common ſoldier, and common ſeaman, one ſhilling, and every other perſon, two ſhillings; and in caſe any of the perſons aforeſaid ſhall after conviction offend a ſecond time, ſuch perſon ſhall forfeit and pay double; and if a third time, treble the ſum reſpectively by him or her to be paid for the firſt offence.

The forfeitures of ſeveral degrees of perſons for ſwearing.

Mod. caſes in law, 58, 366.

II. And it is hereby further enacted, That upon neglect or refuſal of payment of the ſaid forfeiture, any juſtice of peace of the county, riding or diviſion, or mayor or other head officer, or juſtice of peace of any city or town corporate, where the ſaid offences ſhall be committed, ſhall and are hereby authorized and required to direct and ſend his warrant to the conſtable, tythingman, churchwarden or overſeer of the poor of the pariſh where the offence ſhall be committed, or where the offender ſhall inhabit, thereby commanding them, or ſome one or more of them, to levy, by diſtreſs and ſale of the goods of the offender, the ſum ſo forfeited, for the uſe of the poor of the pariſh, as aforeſaid; and in caſe no ſuch diſtreſs can be had, then every ſuch offender, being above the age of ſixteen years, ſhall, by warrant under the hand and ſeal of the ſaid juſtice of peace, or other officer as aforeſaid, be publickly ſet in the ſtocks for the ſpace of one hour for every ſingle offence, and for any number of offences whereof he ſhall be convicted at one and the ſame time, then two hours; and if the party offending be under the age of ſixteen years, and ſhall not forthwith pay the ſaid forfeitures, then he or ſhe ſhall, by warrant as aforeſaid, be whipped by the conſtable, or by the parent, guardian or maſter of ſuch offender, in the preſence of the conſtable.

To be levied by diſtreſs.

If no diſtreſs, offender to be put in the ſtocks.

III. And be it further enacted, That if any juſtice of the peace, or chief magiſtrate, ſhall wilfully and wittingly omit the performance of his duty in the execution of this act, he ſhall forfeit the ſum of five pounds; the one moiety to the uſe of the informer,

5l. penalty upon juſtice of peace not executing the act.

to

to be recovered by action, ſuit, bill, or plaint, in any of his Majeſty's courts at *Weſtminſter*, wherein no eſſoin, protection or wager of law ſhall be allowed, nor any more than one imparlance.

IV. And it is hereby further enacted, That if any action or ſuit ſhall be commenced or brought againſt any juſtice of peace, conſtable or other officer or perſon whatſoever, for doing or cauſing to be done any thing in purſuance of this act, concerning the ſaid offences, the defendant in ſuch action may plead the general iſſue, and give the ſpecial matter in evidence; and if upon ſuch action verdict be given for the defendant, or the plaintiff become nonſuit, or diſcontinue his action, then the defendant ſhall have treble coſts. Officer ſued for executing this act may plead general iſſue, &c.

V. Provided always, and it is hereby enacted, That no perſon ſhall be proſecuted or troubled for any offence againſt this ſtatute, unleſs the ſame be proved or proſecuted within ten days next after the offence committed. Time for proſecuting upon this act.

VI. And it is further enacted by the authority aforeſaid, That this act ſhall be publickly read four ſeveral times in the year in all pariſh churches, and all publick chapels, by the parſon, vicar or curate of the reſpective pariſhes or chapels, immediately after morning prayer, on four ſeveral *Sundays* (that is to ſay) the *Sunday* next after the four and twentieth day of *June*, the nine and twentieth day of *September*, the five and twentieth day of *December*, and the five and twentieth day of *March*, under the pain of twenty ſhillings for every ſuch omiſſion or neglect. To be read in churches, &c.

VII. And be it further enacted by the authority aforeſaid, That the juſtices of peace, mayor, or other head officer, ſhall regiſter in a book to be kept for that purpoſe, all the convictions made before him upon this act, and the time of making thereof, and for what offence, and ſhall certify the ſame to the next general quarter ſeſſions of the peace for the ſaid county or place where the offences are committed, to be there kept upon record by the reſpective clerks of the peace, to be ſeen without fee or reward. Convictions to be regiſtred.

CAP. XII.

An act for explaining and regulating ſeveral doubts, duties and penalties, in the late act for granting ſeveral duties upon vellum, parchment and paper; and for aſcertaining the admeaſurement of the tunnage of ſhips.

WHEREAS *ſeveral doubts and difficulties are ariſen upon the interpretation of ſeveral clauſes in an act of parliament made in the fifth and ſixth years of the reign of their majeſties King* William *and Queen* Mary, *intituled*, An act for granting to their Majeſties ſeveral duties upon vellum, parchment and paper, for four years, towards carrying on the war againſt *France*: For the explaining and remedying the ſaid doubts and difficulties, 5 & 6 W. & M. c. 21.

II. Be it declared and enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, That the ſaid act, nor Recognizances before juſtice of peace, copies of ſurrenders, &c. exempted.

nor any clauſe therein contained, ſhall be conſtrued to charge with any duty ſpecified in the ſaid act, any warrant made by, or recognizance taken before, any juſtice or juſtices of the peace, or any ſurrender of any copyhold eſtate, or copies for ſuch eſtate, or any certificate of marriage of any widow of any ſeaman, or any proceedings of any court martial which relate to the trial of any common ſoldier, or any orders, decrees or proceedings before any commiſſioners of ſewers, or in the court of ſtannaries; but the ſaid warrants, recognizances, ſurrenders, copies, certificates, orders, decrees and proceedings, ſhall and are hereby declared to be exempted from the payment of any the duties mentioned in the ſaid act.

Degree of batchelor of arts exempted.

III. And be it further enacted and declared by the authority aforeſaid, That the clauſe in the ſaid act, whereby the duty of forty ſhillings is laid upon the regiſter or entry of any degree in any of the two univerſities, ſhall not extend to charge with the ſaid duty of forty ſhillings the regiſter or entry of any batchelor of arts, who is hereby exempted from the payment thereof.

Commiſſion of rebellion exempted.

IV. And be it further enacted and declared by the authority aforeſaid, That the clauſe in the ſaid act, whereby the duty of forty ſhillings is laid upon letters patents, ſhall not extend to commiſſions of rebellion in proceſs; but that the commiſſions of rebellion ſhall be and are hereby exempted from the ſaid duty of forty ſhillings.

Officers in inferior courts, &c. exempted.

V. And be it further enacted and declared by the authority aforeſaid, That the clauſe in the ſaid act, whereby the duty of forty ſhillings is laid upon admittances of officers in any court whatſoever, ſhall not be extended to charge any annual officer in any corporation or inferior court, whoſe office is under the value of ten pounds *per annum*, in ſalaries, fees, or other perquiſites; but the ſaid annual officer is hereby exempted and diſcharged from the ſaid duty.

Sea officers to pay as land officers.

VI. And be it further enacted and declared by the authority aforeſaid, That the officers at ſea ſhall pay the ſame duty that the officers at land pay, and no more; any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

500l. penalty changed into 5l.

VII. And be it further enacted by the authority aforeſaid, That the penalty of five hundred pounds mentioned in the ſaid act ſhall no longer ſtand and be in force, but is hereby altered and changed into the penalty of five pounds only; and that for the future, in all caſes where by the ſaid act the offender was to forfeit five hundred pounds, he ſhall forfeit no more than five pounds, to be recovered with coſts of ſuit; any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

Perſons who have incurred 500l. penalty on the former act pardoned.

VIII. And be it further enacted and declared by the authority aforeſaid, That all perſons that have already incurred the ſaid penalty of five hundred pounds, upon any clauſe in the ſaid act, ſhall be and are hereby pardoned, indemnified, and diſcharged from the ſaid forfeiture of five hundred pounds, and every part thereof, and of and from any proſecution thereupon; any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

IX. And

IX. And for the better diſtribution of the ſaid vellum, parchment, and paper, and that the ſubjects may have the ſame with more conveniency, and at an eaſier rate, than formerly; be it enacted by the authority aforeſaid, that the lord high treaſurer of *England*, or commiſſioners of his Majeſty's treaſury for the time being, ſhall once in the year, at leaſt, ſet the prices of all ſorts of ſtamped vellum, parchment, and paper, that it ſhall be ſold at; and that the commiſſioners appointed for putting the ſaid act in execution ſhall ſtamp the ſaid price, ſo ſet, upon every ſkin or piece of vellum or parchment, or ſheet or piece of paper ſo by them to be ſold; and that the ſaid commiſſioners ſhall likewiſe allow and pay to every perſon that ſhall bring vellum, parchment, or paper to be ſtamped (the duty whereof ſhall amount to the ſum of ten pounds or upwards) after the rate of ſix pounds in the hundred pounds *per annum* for three months, upon preſent payment of the ſaid duty upon the ſaid vellum, parchment, and paper ſo by them bought; and that any perſons that ſhall buy of the ſaid commiſſioners, or their agents, vellum, parchment, or paper, the duty whereof amounts to the like ſum of ten pounds, or upwards, ſhall have the ſame allowance of ſix pounds in the hundred pounds.

Prices t annually and ſta upon th parchm

6 per ce lowed ſ ready n

X. *And whereas great inconveniencies and diſcouragements to trade and navigation are found by admeaſuring of ſhips and veſſels according to the act made in the fifth and ſixth years of the reign of King* William *and Queen* Mary, *intituled*, An act for granting to their Majeſties ſeveral rates and duties upon tunnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds, towards the carrying on the war againſt *France*; be it enacted, That from and after the firſt day of *June*, in the year of our Lord one thouſand ſix hundred ninety five, all ſhips and veſſels ſhall be meaſured, in order to the paying the duty impoſed by the ſaid act, by taking the length of the keel of every ſhip or veſſel ſo much as ſhe treads on the ground, and the breadth to be taken within board by the midſhip beam from plank to plank, and half that breadth ſhall be accounted for the depth of every ſhip or veſſel; then multiply the length by the breadth, and the product thereof by the depth, and divide the whole by ninety four, and the quotient ſhall give the true contents of the tunnage which ſuch ſhip ſhall pay for; any thing in the ſaid recited act to the contrary notwithſtanding.

Anothe of meaſ ſhips th appoint 5 & 6 W M. c. 2

EXP.

XI. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *June*, there ſhall not be raiſed, levied, collected, or paid, for the uſe of his Majeſty, his heirs or ſucceſſors, for the tunnage of any ſhip or veſſel, within the time of the ſaid act mentioned, trading coaſt-wiſe, any other or greater ſum or rate than for ſo many tuns of goods as are or ſhall be actually laden on board ſuch ſhip or veſſel; any thing in the ſaid act contained to the contrary thereof in any wiſe notwithſtanding.

Tunnag be paid for goo tually l

CAP.

CAP. XIII.

An act for raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety five; and for repealing the ſtatute of the ſecond and third years of King Edward *the Sixth, intituled,* An act againſt ſhooting of hail-ſhot.

13 & 14 Car. 2. c. 3.

WHEREAS *by an act of parliament, made in the thirteenth and fourteenth years of the reign of his late majeſty King* Charles *the Second, intituled,* An act for ordering the forces in the ſeveral counties of this kingdom, *it was (amongſt other things) enacted, That in caſe of invaſions, inſurrections, or rebellions, whereby occaſion ſhould be to draw out the ſoldiers mentioned and appointed in and by the ſaid act into actual ſervice, the perſons charged by the ſaid act with horſes, horſemen, and arms, ſhould provide each their ſoldier reſpectively with pay in hand, not exceeding one month's pay, as ſhould be in that behalf directed by the reſpective lieutenants of the ſeveral counties, and in their abſence, or otherwiſe by their direction, by their deputies, or any two or more of them: For repayment of which ſaid monies, and for ſatisfaction of the officers for their pay, during ſuch time, not exceeding one month, as aforeſaid, as they ſhould be with their ſoldiers in ſuch actual ſervice, it was thereby declared, that proviſion ſhould be made for the ſame by his ſaid Majeſty, his heirs and ſucceſſors, out of his or their publick treaſury or revenue: Nevertheleſs it was thereby further provided and enacted, That in caſe a month's pay ſhould be provided and advanced, as aforeſaid, that no perſon who ſhould have advanced his proportion thereof, ſhould be charged with any other like month's payment, until he or they ſhould have been reimburſed the ſaid month's pay, and ſo from time to time, the ſaid month's pay by him or them laſt before provided and advanced, as aforeſaid: And whereas upon the invaſion of the coaſts of this kingdom by the* French *it was found neceſſary, for the publick defence and ſafety, to draw out the ſaid ſoldiers into actual ſervice, and to charge the ſaid perſons to provide each their ſoldier reſpectively with pay in hand, although the month's pay, by ſeveral of them before that time provided and advanced, was not, nor could be, reimburſed: And whereas the like occaſion may poſſibly happen during the preſent war:*

Power given to raiſe the militia notwithſtanding the month's pay formerly advanced be not repaid.

II. Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if at any time before the five and twentieth day of *April*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety and ſix, it ſhall be found by his Majeſty to be neceſſary for the defence and ſafety of this kingdom, to draw out the ſaid ſoldiers into actual ſervice, and the ſame ſhall be declared or ſignified to the reſpective lieutenants or deputy lieutenants, and the lord warden of the cinque-ports, two ancient towns and their members, or in his abſence his lieutenant or lieutenants, in purſuance of ſuch orders from his Majeſty, notwithſtanding that one or more months pay, before that time advanced, be not reimburſed, to raiſe and draw out the ſaid ſoldiers into actual ſervice, and to cauſe the perſons charged as aforeſaid to provide each

each their ſoldier with pay in hand, not exceeding one month's pay, in ſuch manner as if all the pay before that time advanced and provided had been fully reimburſed and paid. EXP.

III. And whereas by an act made in the ſecond and third years of the reign of *Edward* the Sixth, late King of *England*, intituled, *An act againſt the ſhooting of hail-ſhot*, whereby amongſt other things it is enacted, That no perſon under the degree of a lord of the parliament, ſhould ſhoot in any place any hail-ſhot, or any more pellets than one at any one time, upon pain to forfeit, for every time that he or they ſhould ſo offend, ten pounds, and impriſonment of his body during three months; which ſaid act, however uſeful in thoſe days, hath not for many years laſt paſt been put in execution, but became uſeleſs and unneceſſary: yet nevertheleſs ſeveral malicious perſons have of late proſecuted ſeveral gentlemen, qualified to keep and uſe guns, upon the ſaid act; for remedy whereof be it enacted, by the authority aforeſaid, That the ſaid act, and every article, clauſe, and thing, therein contained, ſhall be and is hereby repealed and made void to all intents and purpoſes whatſoever. 2 & 3 Ed. 6. c. 14.

CAP. XIV.

An act for continuing ſeveral laws therein mentioned.

WHEREAS *divers temporary laws, which by experience have been found beneficial and uſeful, are near expiring*; therefore for continuing the ſame, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the act made in the third year of the reign of King *William* and Queen *Mary*, intituled, *An act to take away clergy from ſome offenders, and to bring others to puniſhment*, which by another act made in the fourth and fifth years of the ſaid King and Queen, intituled, *An act for reviving, continuing, and explaining, ſeveral laws therein mentioned, which are expired and near expiring*, was explained, and was to continue and be in force for three years, from the thirteenth day of *February*, one thouſand ſix hundred ninety two, and from thence to the end of the next ſeſſion of parliament, and no longer, together with the explanation thereof in the ſaid act made in the ſaid fourth and fifth years, ſhall be, and the ſame is and are hereby continued, and ſhall be in force, and be made perpetual. 3 & 4 W. & M. c. 9. made perpetual. 4 & 5 W. & M. c. 24. ſ. 13.

II. And be it further enacted by the authority aforeſaid, That an act made in the third and fourth years of the reign of the ſaid King and Queen, intituled, *An act for relief of creditors againſt fraudulent devices*, which was to continue and be in force for three years, and to the end of the next ſeſſion of parliament, after the expiration of the ſaid three years and no longer, ſhall be and is hereby continued, and ſhall be in force, and be made perpetual. 3 & 4 W. & M. c. 14. made perpetual.

III. And be it further enacted by the authority aforeſaid, That an act made in the fourth and fifth years of the ſaid King and Queen, intituled, *An act for the better diſcovery of judgments* in 4 & 5 W. & M. c. 20. continued for 1 year.

Made perpetual 7 & 8 W. 3. c. 36 ſ. 3.

in the courts of King's Bench, Common Pleas, *and* Exchequer, *at* Weſtminſter, which was to continue and be in force for one year, from the five and twentieth day of *March*, one thouſand ſix hundred ninety and three, and from thence to the end of the next ſeſſion of parliament, and no longer, ſhall be and is hereby continued, and ſhall be in force for the ſpace of one year more, and from thence to the end of the next ſeſſion of parliament, and no longer.

CAP. XV.

EXP. An act to indemnify Sir Thomas Cooke from actions which he might be liable to, by reaſon of his diſcovering to whom he paid and diſtributed ſeveral ſums of money therein mentioned, to be received out of the treaſure of the Eaſt India company, or for any proſecution for ſuch diſtribution.

CAP. XVI.

An act to prevent exactions of the occupiers of locks and wears upon the river of Thames *weſtward, and for aſcertaining the rates of water carriage upon the ſaid river.*

WHEREAS *the rivers of* Thames *and* Iſis *have time out of mind been navigable from the city of* London *to the village of* Bercott, *in the county of* Oxford, *and for divers years laſt paſt from the ſaid village of* Bercott *weſtward, ſomewhat farther than* Letchlade *in the county of* Glouceſter: *And whereas, for the benefit and convenience of the navigation, there have been and are divers locks, wears, bucks, winches, turnpikes, dams, floodgates, and other engines in, upon, or near adjoining to the ſaid rivers, the tenants or occupiers whereof anciently took, and ſtill ought to take, a moderate and reaſonable price from the owners of all barges, boats, or other veſſels, having occaſion to make uſe of the ſame, or of their aſſiſtance for or in their paſſage, but have of late years raiſed their prices ſo high, that the price of the water-carriage on thoſe rivers, by reaſon thereof, has been alſo very much raiſed: And whereas divers abuſes have heretofore been committed by the bargemen in their navigation upon the ſaid rivers*: For remedy whereof,

Juſtices of peace of Wilts, Glouceſter, &c. have power to ſet the rates, for paſſing the wears, &c. upon Thames and Iſis, and make orders about them.

II. Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *May*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety five, the juſtices of the peace, for the time being, of the ſeveral counties of *Wilts*, *Glouceſter*, *Oxford*, *Berks*, and *Bucks*, within their reſpective counties for ever hereafter ſhall be and are hereby declared to be commiſſioners for the putting in execution the powers and authorities herein after mentioned (that is to ſay) the ſaid commiſſioners, or any five of them, ſhall have full power and authority, from time to time, at their reſpective general quarter ſeſſions of the peace, upon due examination of the matter in controverſy, upon oath, to make orders and conſtitutions for ſettling and aſcertaining reaſonable rates and prices to be taken from the owners of all barges, boats or veſſels, by the tenants or occupiers of all ſuch

locks

locks, wears, bucks, winches, turnpikes, dams, floodgates, or other engines, within their ſaid reſpective counties, for the help and aſſiſtance which ſuch barges, boats, or veſſels may or ſhall receive thereby, or by means thereof, in their paſſage upon the ſaid rivers, regard being had, as well to the ancient rates which have been taken, as the neceſſary charges of repairing ſuch locks, wears, bucks, winches, turnpikes, floodgates, and other engines; and alſo to conſtitute and appoint all ſuch other neceſſary rules and orders concerning the ſaid navigation, and alſo concerning ſuch locks, wears, bucks, winches, turnpikes, dams, floodgates, or other engines, within their ſaid reſpective counties, and the ſhutting, penning, opening, drawing, uſe or management thereof, for the benefit and ſafety of the ſaid navigation, and concerning all barges, boats or veſſels paſſing by, through, or with the help of the ſame, and the behaviour of all bargemen, boatmen, and watermen belonging to or working in ſuch barges, boats, or veſſels, ſo as to prevent ſuch abuſes which have been frequently heretofore committed by them in the navigation, as to the ſaid commiſſioners, or any five of them ſhall ſeem meet.

Juſtices peace h power t the rate water-c riage u Thame

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, the ſaid juſtices of the peace, or any five of them, in their reſpective general quarter ſeſſions next after *Eaſter* day yearly, ſhall have power and authority, and they are hereby enjoined and required, to aſſeſs and rate the prices of the carriage of all ſorts of goods whatſoever, from any place in their ſaid reſpective counties, to any other place or places upon the ſaid rivers, in ſuch boats, barges, or veſſels, and ſhall give publick notice in writing to the mayor or other head officer in every market town within their ſaid reſpective counties, of the rates and prices ſo ſet and aſſeſſed, and of all other rates and prices, which ſhall be rated and aſſeſſed by virtue of this act: and if any owner or proprietor of any ſuch barge, boat, or veſſel, ſhall, at any time after ſuch notice, take for the water-carriage of any goods or merchandizes above the rates and prices ſo ſet as aforeſaid, or if any perſon or perſons whatſoever ſhall break or act contrary to any rules, orders, or conſtitutions, which ſhall be made in purſuance of this act, every ſuch perſon ſo offending ſhall for every offence forfeit the ſum of five pounds, to be recovered by the party grieved, with double coſts of ſuit, in any action of debt, bill, plaint, or information, to be commenced or proſecuted in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, ſhall be allowed.

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Juſtices ſize of may va orders compla

IV. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall be aggrieved by reaſon of any ſuch rules, orders, conſtitutions, or aſſeſſments, ſo as aforeſaid to be made by the ſaid commiſſioners, or any five of them, it ſhall and may be lawful to and for the juſtices of aſſize of the ſaid county of *Oxford*, for the time being, upon complaint made by ſuch perſon or perſons grieved, within the ſpace of one year next after the making of ſuch rules, orders,

orders, conſtitutions, or aſſeſſments, to confirm, vacate, or alter the ſame, in ſuch manner as ſhall be thought moſt convenient.

Orders by juſtices of peace to be regiſtred in ſeſſions, and continue for 7 years.

V. Provided alſo, and be it further enacted by the authority aforeſaid, That all ſuch rules, orders, conſtitutions, and aſſeſſments, other than of the rates for carriage, which ſhall be made by the ſaid commiſſioners, or any five of them, in purſuance of this act, ſhall be written in parchment, and ſigned by the ſaid commiſſioners, or any five of them, and be kept amongſt the records of the ſeſſion of the peace of that county within which the ſame ſhall be made; and the ſaid rules, orders, conſtitutions, and aſſeſſments, other than of the rates for carriage, ſo ſigned by the ſaid commiſſioners, or confirmed or altered on ſuch appeal as aforeſaid, ſhall continue in force from the making the ſame by the ſaid commiſſioners, or the confirmation or alteration thereof by the ſaid juſtices of aſſize, for ſeven years, and from thence until ſome new order, rule, conſtitution, or aſſeſſment, ſhall be made in the ſame caſe by the ſaid commiſſioners, or any five of them, every which new order, rule, conſtitution, or aſſeſſment, ſhall be ſubject to the like appeal as aforeſaid.

Locks, &c. to be in the county where they pay to the poor.

VI. Provided always, That if at any time after the ſaid firſt day of *May*, any doubt ſhall be made amongſt the ſaid commiſſioners, in what county any ſuch locks, wears, bucks, winches, or other engines are or ſhall be, then, and in every ſuch caſe, for preventing of all ſuch diſputes, every ſuch lock, wear, buck, winch, or other engine, ſhall be adjudged and taken to be in that county, and ſubject to the juriſdiction of the commiſſioners of that county, within which the ſame are taxed or rated to the church or poor.

Commiſſioners made by 21 Jac. 1. c. 32. ſtill to have the ſame power betwixt Bercott and Oxford.

VII. Provided alſo, That nothing herein contained ſhall be conſtrued to give any manner of juriſdiction to any of the ſaid commiſſioners, to put in execution any of the powers or authorities hereby granted or directed, between the ſaid village of *Bercott*, and the city of *Oxford*, nor to repeal or impeach the powers or authorities granted to the commiſſioners in and by an act made in the one and twentieth year of the reign of King *James* the Firſt, intituled, *An act for making the river of* Thames *navigable for barges, boats, and lighters, from the village of* Bercott *in the county of* Oxford, *unto the univerſity and city of* Oxford; but that the ſaid commiſſioners or the more part of them, by virtue thereof and of this act, ſhall have power and authority from time to time, with ſuch conſent as in the ſaid firſt recited act is required, to ordain and make orders and conſtitutions for the good and orderly uſage of the paſſage by water on the river of *Thames*, betwixt the city of *Oxford* and the village of *Bercott*, and for all locks, wears, or turnpikes thereof, made or to be made, and maintained at the charge of the univerſity and city of *Oxford*, or otherwiſe, and for the reparation and amendments thereof; and for all boats, boatmen, paſſengers, wharfs, carriages, and rates for carriages, by or through the ſaid paſſage; and to ſet, lay, do, and execute all things concerning the ſame,

as

as in the ſaid firſt recited act are ordained and directed, ſubject nevertheleſs to ſuch an appeal as is therein mentioned; and alſo, That upon the death or removal of any of the preſent commiſſioners for executing the ſaid recited act, the ſurviving commiſſioners for the univerſity and city of *Oxford* reſpectively may, at any time hereafter, by virtue hereof, nominate and elect any perſon they think fit to be a commiſſioner, and with them to execute all and every the powers in the ſaid recited act, according to the true intent and meaning thereof, and of this preſent act.

This act not to to leſſen the authority of London.

VIII. Provided alſo, That nothing herein contained ſhall be conſtrued to impeach or leſſen any juriſdiction, power, or authority of the mayor, commonalty and citizens of the city of *London*, or of any other body politick or corporate, or other perſon or perſons whatſoever.

Bargemen chargeable for any miſchief done to locks, &c. and to pay full coſts.

IX. And for the better preventing the damages and miſchiefs frequently done and committed by the rude and diſorderly perſons rowing and managing the ſaid barges, and that the owners of ſuch barges may be more careful to prevent the ſame; be it enacted by the authority aforeſaid, That every barge-maſter, and owner of any barge or boat, ſhall be and is hereby made anſwerable and reſponſible for any damage or miſchief that ſhall be done by his barge or boat, or the whole or any of the crew of his bargemen, to any of the wears, locks, bucks, winches, turnpikes, dams, floodgates, and other engines in and upon the ſaid river; and the ſaid barge-maſters, or barge-owners, ſhall and may be ſued and proſecuted for the ſame, and if found guilty, the plaintiff ſhall not only recover his damages thereby ſuſtained, but his full coſts of ſuit; any former law or uſage to the contrary notwithſtanding.

Act to continue 9 years.

X. Provided always, That this act ſhall continue and be in force for the term of nine years, and from thence to the end of the next ſeſſion of parliament, and no longer. *Continued by* 3 *Geo.* 2. *c.* 11. *ſ.* 25. *except as to the ſeventh ſection, and by* 22 *Geo.* 2. *c.* 46.

CAP. XVII.

An act to prevent counterfeiting and clipping the coin of this kingdom.

WHEREAS *it is manifeſt that of late years the current coin of this kingdom hath been greatly diminiſhed by clipping, rounding, filing, and melting the ſame, and likewiſe many falſe and counterfeit coins have been clipped for the better diſguiſing thereof: And for as much as it is apparent that theſe practices of diminiſhing the current coin is very much occaſioned by thoſe who drive a trade of exchanging broad money for clipped money, and by other arts and devices:*

Penalty upon perſon ſelling or paying ſilver money for more than it is coined.

II. Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *May*,

May, which ſhall be in the year of our Lord one thouſand ſix hundred ninety five, if any perſon or perſons whatſoever ſhall, at any one time or payment, exchange, lend, ſell, borrow, or buy, receive or pay, any broad ſilver money or ſilver money unclipped, of the coin of this kingdom, for more in tale, benefit, profit, or advantage, than the ſame was coined for and ought by law to go for, be lent, ſold for, borrowed or bought, received or paid, ſhall forfeit the ſum of ten pounds for every twenty ſhillings that ſhall be ſo exchanged, lent, ſold for, borrowed or bought, received or paid, and ſo in proportion for any greater or leſſer ſum; one moiety thereof to his Majeſty, and the other moiety to the perſon who ſhall ſue or inform for the ſame, to be recovered (with coſts of ſuit) by action of debt, bill, plaint, or information, wherein no privilege, protection, or wager of law ſhall be allowed, nor any more than one imparlance.

Penalty for caſting bars of ſilver or ſtamping them like Spaniſh money.

III. And be it further enacted by the authority aforeſaid, That no perſon do or ſhall preſume to caſt ingots or bars of ſilver, in imitation of *Spaniſh* bars or ingots of ſilver, nor do ſtamp any mark or impreſſion upon any ingot or bar in likeneſs of the *Spaniſh* marks or impreſſions; upon pain that the perſon herein offending ſhall for every ſuch offence forfeit the ſilver ſo caſt, and alſo the ſum of five hundred pounds, one moiety to his Majeſty, and the other to the informer, to be recovered as aforeſaid.

Puniſhment for buying or ſelling clippings, &c.

IV. And for the better preventing the clipping, diminiſhing, or impairing the current coin of this kingdom, be it further enacted by the authority aforeſaid, That if any perſon whatſoever, ſhall buy or ſell, and knowingly have in his cuſtody or poſſeſſion, any clippings or filings of the current coin of this kingdom; he ſhall for every ſuch offence forfeit the ſaid clippings or filings, and alſo the ſum of five hundred pounds, one moiety to his Majeſty, and the other to the informer, to be recovered as aforeſaid, and ſhall be alſo branded in the right cheek with a hot iron with the letter R. and until payment of the ſaid five hundred pounds ſhall ſuffer impriſonment.

No perſon ſhall tranſport bullion, except it be ſtamped at Goldſmiths-hall.

V. And be it further enacted, That no goldſmith, or other perſon whatſoever, ſhall from and after the ſaid firſt day of *May*, tranſport or cauſe to be tranſported, out of this kingdom of *England* into any parts beyond the ſeas; any molten ſilver whatſoever, but ſuch only as ſhall be marked or ſtamped at *Goldſmiths-hall* by the wardens, ſome or one of them, belonging to the ſaid company of goldſmiths, which mark or ſtamp the ſaid wardens are hereby required to provide, and therewith to mark or ſtamp all ſuch ſilver as ſhall be proved before them, or one of them, in ſuch manner as is hereafter mentioned, to be lawful ſilver; nor unleſs a certificate be firſt had and obtained under the hand of one or more of the ſaid wardens, of oath having been made before him or them by the owner or owners of ſuch molten ſilver, and likewiſe by one credible witneſs, that the ſame is lawful ſilver, and that no part thereof was (before the ſame

molten) the current coin of this realm, nor clippings thereof, nor plate wrought within this kingdom; which oath the ſaid wardens, or any one of them, are and is hereby required and authorized to adminiſter, and likewiſe to make and grant a certificate thereof without fee or reward, an entry of which certificate ſhall be duly made by the ſaid wardens, in a book to be kept for that purpoſe; and in caſe any perſon whatſoever, who ſhall offer any molten ſilver to be marked, as is aforeſaid, ſhall not prove by his or her oath, and likewiſe by the oath of one credible witneſs, that the ſilver offered to be marked is lawful ſilver, and that the ſame was not, before the melting thereof, the current coin of this kingdom; nor clippings thereof, nor plate wrought within the ſame, then and in every ſuch caſe it ſhall be lawful to and for the ſaid wardens, or any one of them, to ſeize and detain ſuch molten ſilver ſo offered to be marked, until ſuch time as ſuch oath and proof ſhall be made, as is aforeſaid.

Bullion ſtamped be ſeized cuſtom-h officers.

VI. And be it further enacted, That if any perſon whatſoever ſhall ſhip, or cauſe to be ſhipped or put on board any veſſel, any molten ſilver not ſtamped or marked by the ſaid wardens, or one of them, and without certificate firſt obtained, of oath having been made before the ſaid wardens, or one of them, of the lawfulneſs of ſuch ſilver, in manner as is aforeſaid (which certificate ſhall be ſhewn to ſome one of the commiſſioners of the cuſtoms for the time being, before any cocket be granted for the exporting ſuch molten ſilver) in ſuch caſe it ſhall and may be lawful to and for any officer or officers of his Majeſty's cuſtoms to ſeize ſuch ſilver ſo ſhipped and put on board; one moiety whereof ſhall be to his Majeſty, his heirs, and ſucceſſors, and the other moiety to the officer and officers ſo ſeizing the ſame.

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VII. And be it further enacted, That if any broker or brokers, not being a trading goldſmith or refiner of ſilver, ſhall buy or ſell any bullion or molten ſilver, every ſuch perſon ſhall ſuffer, for every ſuch offence, impriſonment for ſix months without bail or mainprize.

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VIII. And for the better diſcovery of offenders in the premiſſes, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for one or more of the wardens of the ſaid company of goldſmiths, with any two or more of the court of aſſiſtants of the ſaid company, within the compaſs of the weekly bills of mortality, and to and for any two juſtices of the peace within any county, city, or town corporate, out of the compaſs of the weekly bills of mortality, to enter into the houſe, room, or work-ſhop of any perſon who ſhall be ſuſpected to be guilty of buying or ſelling unlawful bullion, and to ſearch for the ſame; and in caſe the occupier or occupiers of ſuch houſe, room, or workſhop, ſhall refuſe to permit the ſaid warden and aſſiſtants, or juſtices, to make ſuch ſearch as aforeſaid, it ſhall and may be lawful to ſuch warden and aſſiſtants, and juſtices, with the aſ-

ſiſtance of a conſtable, to break open any door, box, trunk, cheſt, cupboard, or cabinet, in order to ſearch for and diſcover ſuch bullion as is aforeſaid; and in caſe the perſons ſo ſearching ſhall at any time find any ſuch unlawful bullion, the perſons ſo finding the ſame are hereby required to ſeize, as well ſuch bullion as the perſon and perſons in whoſe poſſeſſion the ſame ſhall be found; and the ſaid wardens, aſſiſtants and conſtables, ſhall bring him and her before the next juſtice of the peace, who ſhall, upon oath made of ſuch finding, which juſtice within the weekly bills of mortality, and the ſaid two juſtices without the ſaid bills of mortality, ſhall and may examine the perſon ſo brought before him, or found by them reſpectively, upon oath, whether the bullion ſo found be lawful ſilver, and whether the ſame was not (before the melting thereof) the current coin of this realm, or clippings thereof; and in caſe the ſaid perſon ſo examined ſhall not prove by his or her oath, or by the oath of one credible witneſs before the ſaid juſtice and juſtices reſpectively, that the bullion ſo found is lawful ſilver, and that the ſame was not, before the melting thereof, the current coin of this realm, nor clippings thereof, then and in ſuch caſe the ſaid juſtice or juſtices reſpectively ſhall commit the perſon ſo examined to priſon, and ſhall ſecure the bullion ſo found, and ſhall likewiſe oblige the perſons that can give any evidence concerning the ſame, to enter into a recognizance to proſecute the ſaid offender and offenders; and in caſe ſuch offender and offenders, in whoſe poſſeſſion ſuch unlawful bullion ſhall be found, ſhall not upon his, her, or their trials on an indictment for melting the current ſilver coin of this realm, prove, by the oath of one credible witneſs at the leaſt, the bullion ſo found to be lawful ſilver, and that the ſame was not the current coin of this realm, nor clippings thereof, then and for want of ſuch proof, ſuch offender ſhall be found guilty of the offence contained in ſuch indictment, and ſhall ſuffer impriſonment for the ſpace of ſix months, without bail or mainprize.

Perſon in whoſe poſſeſſion bullion is found, not proving it to be neither coin nor clippings melted, to be impriſoned 6 months.

IX. *And whereas the coin of this realm is of late much clipped and counterfeited, for want of due encouragement to be given to ſuch perſons as ſhall diſcover the ſame*; be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *May*, one thouſand ſix hundred ninety five, all and every perſon and perſons, who ſhall apprehend and take any perſon or perſons who have counterfeited any of the current coin of this realm, or that for lucre or gain have clipped, waſhed, filed, or any ways diminiſhed the ſame, or ſhall bring, or cauſe to be brought, into this kingdom, the dominion of *Wales*, or town of *Berwick* upon *Tweed*, any clipt, falſe, or counterfeit coin, and proſecute ſuch perſon or perſons, until he, ſhe, or they, be convicted for any ſuch offence, ſhall have and receive from the ſheriff or ſheriffs of the county, where ſuch conviction ſhall be made, for every ſuch offender ſo convicted, the ſum of forty pounds (without paying any fee for the ſame) within one month after ſuch

Perſons apprehending and convicting clippers, &c. ſhall, upon the judges certificate, receive 40 l. of the ſheriff.

ſuch conviction and demand thereof made, by tendring a certificate to the ſaid ſheriff or ſheriffs for the time being, under the hand or hands of the judge or juſtices before whom ſuch traitor or traitors, offender or offenders, as aforeſaid, ſhall be convicted, certifying the conviction of ſuch traitor or traitors done within the county of the ſaid ſheriff or ſheriffs, and that ſuch traitor or traitors was or were taken and proſecuted by the perſon or perſons claiming the ſaid reward, which certificate as aforeſaid, the ſaid judge or juſtices are hereby required to give: And in caſe any diſpute ſhall happen to ariſe between the perſons apprehending and proſecuting to conviction ſuch traitors as aforeſaid, touching their right and title to the ſaid reward, that then the ſaid judge or juſtices ſo reſpectively certifying as aforeſaid, ſhall in and by their ſaid certificate direct and appoint the ſaid reward to be paid unto and amongſt the parties claiming the ſame, in ſuch ſhare and proportions as to the ſaid judge or juſtices ſhall ſeem juſt and reaſonable: And if default of payment of the ſaid ſum or ſums of money ſhall happen to be made by any ſheriff or ſheriffs, ſuch ſheriff or ſheriffs, ſo making default, ſhall forfeit to the perſon or perſons, to whom ſuch money is due as aforeſaid, double the ſum or ſums of money he ought to have paid, to be recovered by him or them, or his or their executors or adminiſtrators, in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no eſſoin, protection, or wager of law, ſhall be allowed, with treble coſts of ſuit by him or them expended in recovery of the ſame. Sheriff paying forfeit to the a henders

X. And it is hereby further enacted, That all ſheriffs, their executors, or adminiſtrators, upon producing ſuch reſpective certificates, and the receipts for the money by them paid in purſuance of this act, ſhall be allowed, and are hereby impowered to deduct, upon their accounting with his Majeſty, all monies (other than the double ſum and ſums of money and coſts of ſuit) which they ſhall diſburſe as aforeſaid, without any fee or reward whatſoever. Sheriff allowed 40 l. in counts, not ſuffi in his h to be re by the t jury.

XI. Provided always, That if, upon the account of any ſheriff or ſheriffs, there ſhall not be money ſufficient in the hands of ſuch ſheriff or ſheriffs to reimburſe him or them ſuch monies paid by him or them by virtue of this act, that then the ſheriff or ſheriffs, having ſo paid the ſaid monies, ſhall have the ſame repaid by the lord treaſurer or commiſſioners of his Majeſty's treaſury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect. *By* 3 Ge c. 15. ſ. *ſheriff m ply to the treaſurer*

XII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, being out of priſon, ſhall, from and after the ſaid firſt day of *May*, one thouſand ſix hundred ninety five, be guilty of clipping, coining, counterfeiting, waſhing, filing, or otherwiſe diminiſhing the coin of this realm, and afterwards diſcover two or more perſon or perſons, who Perſon g on convi two othe pardone

already have or hereafter ſhall commit any of the ſaid crimes, ſo as two or more of the perſon or perſons diſcovered ſhall be convicted of the ſame; any ſuch diſcoverer ſhall himſelf have, and is hereby intituled to, the gracious pardon of his Majeſty, his heirs and ſucceſſors, for all ſuch crimes which he or they have committed at any time or times before ſuch diſcovery made: And if the perſon making ſuch diſcovery be an apprentice, he ſhall be deemed and taken, and is hereby declared a freeman, and ſhall have and may exercife any lawful trade, profeſſion or myſtery, with all liberties and privileges, and in as full and ample manner, as if the ſaid perſon had ſerved the full time of his apprenticeſhip; any law, ſtatute, cuſtom, or ordinance, to the contrary notwithſtanding.

Apprentice diſcovering, made a freeman.

Proof of foreign bullion to lie upon the owner, &c.

XIII. And be it further enacted by the authority aforeſaid, That in caſe any ſeizure ſhall happen of any bullion ſhipped to be exported, and a doubt ariſe thereon, whether the ſame be *Engliſh* or foreign bullion, that then the proof ſhall lie upon the owner, claimer, or exporter of ſuch bullion, that the ſame is foreign bullion and had not been melted down in this realm of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*.

Penalty upon exporter not entring in name of owner, &c.

XIV. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons enter or ſhip any bullion, allowed by this act to be exported beyond the ſeas, other than in the name of the true owner and proprietor or importer, the exporter thereof ſhall forfeit the ſame, or the full value thereof; one moiety to his Majeſty, his heirs and ſucceſſors, and the other moiety to the perſon who ſhall ſeize or diſcover the ſame.

Certain quantity of bullion exported by the King ſaved.

XV. Provided always, and be it further enacted, That this act, or any thing therein contained, ſhall not extend to prohibit the exportation of ſuch bullion as ſhall be licenced by his Majeſty (ſuch licences being entred in the books of the cuſtom-houſe, for the port of *London*) ſo as the ſame be exported before the firſt day of *January*, one thouſand ſix hundred ninety five, and do not exceed ſeven hundred thouſand ounces of ſilver, to be applied for the payment of his Majeſty's forces.

CAP.

CAP. XVIII.

An act for granting to his Majeſty certain duties upon glaſs wares, ſtone and earthen bottles, coals and culm, for carrying on the war againſt France. Continued *per* ſtat. 7 & 8 W. 3. cap. 31. But half the duties on glaſs and glaſs wares, and the whole duties on ſtone and earthen wares, taken away *per* ſtat. 9 & 10 W. 3. cap. 45. and afterwards the remaining half duty on glaſs and glaſs wares taken away *per* ſtat. 10 & 11 W. 3. cap. 18.

Moſt gracious Sovereign,

WE *your Majeſty's moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, for a further ſupply of your Majeſty's extraordinary occaſions, for and towards the neceſſary defence of your realms, and carrying on of the war againſt the* French *King, do humbly preſent your Majeſty with the gift of the impoſitions, rates and duties, herein after mentioned; and do beſeech your Majeſty, that it may be enacted:* &c. *From* ſ. 1. to ſ. 14. EXP.

XIV. And be it further enacted by the authority aforeſaid, That for all ſorts of coals and culm (except charcoal made of wood) which from and after the ſaid nine and twentieth day of *September*, in the year of our Lord one thouſand ſix hundred ninety five, ſhall be water-born, or ſhall be laid on board any ſhip or veſſel to be carried, imported or brought, or which ſhall be carried, imported or brought in any ſhip or veſſel, into any port or place in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, from any port or place within the ſaid kingdom, dominion, or town of *Berwick*, or from the kingdom of *Scotland*, in or during the ſpace of five years, commencing from the ſaid nine and twentieth day of *September*, there ſhall be paid and anſwered unto his Majeſty, his heirs and ſucceſſors (over and beſides all other impoſitions, duties and ſums of money, in any wiſe due or payable for the ſame) the ſeveral and reſpective impoſitions, rates, duties and ſums of money following (that is to ſay) (1) For every chaldron of all ſuch ſorts of coals as are uſually ſold by meaſure, reckoning ſix and thirty buſhels to the chaldron *Wincheſter* meaſure, the ſum of five ſhillings. (2) And for every chaldron of culm, reckoning ſix and thirty buſhels to the chaldron *Wincheſter* meaſure, the ſum of one ſhilling. (3) And for every tun of all ſorts of coals uſually ſold by weight, imported or carried in any ſhip or veſſel from any part of *England* or *Wales*, or from *Scotland*, into any other part or place in *England* or *Wales*, reckoning twenty hundred weight to each tun, the ſum of five ſhillings.

Duties laid upon glaſs wares, &c. for five years; Duties upon coal or culm brought into any port, given for 5 years. *Theſe duties are expired, and others granted by* 10 & 11 W. 3. c. 21. Particular rates.

Coal *per* chaldron 5 s.

Culm *per* chaldron 1 s.

Coal *per* tun 5 s.

XV. Which ſaid ſeveral impoſitions, rates, duties and ſums of money aforeſaid, ſhall from time to time, during the ſaid term of five years, be anſwered and paid at the reſpective ports and places of importation, or landing of the ſaid coals and culm, unto his Majeſty, his heirs and ſucceſſors, or to ſuch of-

Increaſed and continued by 7 & 8 W. 3. c. 31. 9 & 10 W. 3. c. 15.

10 & 11 W. 3. c. 21. 1 Annæ, ſtat. 2. c. 4. 4 Annæ, c. 6. 5 Annæ, c. 19. 8 Annæ, c. 4. 9 Annæ, c. 6. & c. 22. 12 Annæ, ſtat. 2. c. 9. & c. 17. 1 Geo. 1. ſtat. 2. c. 23. 3 Geo. 1. c. 7. 5 Geo. 1. c. 9. & c. 19. 6 Geo. 1. c. 4. 13 Geo. 1. c. 21.

ficer or perſon as ſhall by his Majeſty, his heirs or ſucceſſors, or by the commiſſioners of his Majeſty's cuſtoms, or any four or more of them for the time being, under their hands and ſeals, be thereunto appointed, by the maſter, owner, or owners, or other perſon or perſons having or taking the charge of any ſhip or veſſel on which any ſuch coals or culm ſhall be laden, or wherein they ſhall be imported, carried or brought, before bulk of the ſaid ſhip or veſſel ſhall be broken, or any the ſaid coals or culm unladen, and before any meter, meaſurer or weigher ſhall be appointed for the meaſuring or weighing thereof; upon receipt whereof, the party appointed to receive the ſame ſhall without delay, fee or reward, deliver a receipt under his hand, to the perſon or perſons who ſhall pay the ſaid duty; which receipt ſhall for ſo much be a ſufficient diſcharge; of all which ſhips and veſſels, and of the coals and culm therein imported or brought, due entries ſhall be from time to time made in the cuſtom-houſe of or belonging to ſuch port or place, where ſuch importation ſhall be made (if any cuſtom-houſe be there) or elſe in the cuſtom houſe of the next port or place where ſuch importation ſhall be; and in caſe any of the ſaid coals or culm ſhall be unſhipped, to be laid on land, before the impoſitions, duties or ſums aforeſaid reſpectively due for the ſame ſhall be paid or ſecured, that then, as well the ſaid coals and culm ſo unſhipped, as alſo the ſhip or veſſel out of which the ſame ſhall be ſo unſhipped, with all her guns, tackle, furniture and ammunition, ſhall be forfeited and loſt; one moiety of which forfeitures ſhall be unto his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall ſeize, ſue or inform for the ſame, to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint or information, wherein no eſſoin, protection or wager of law ſhall be admitted.

Duties to be paid in the port of importation before breaking bulk.

If coals be landed before duties paid, both coals and ſhip are forfeited.

The King, or four commiſſioners of the cuſtoms, may appoint weighers, who ſhall certify the weight of the coals.

XVI. And to the end that the ſaid impoſitions and duties may be duly anſwered and paid, without fraud or covin, and for the better levying and collecting thereof, and for the diſcovery of the juſt quantities of all ſorts of coals and culm, to be water-born, imported or unladen as aforeſaid; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for his Majeſty, his heirs or ſucceſſors, or to or for any four or more of the ſaid commiſſioners of the cuſtoms for the time being, by writing under their hands and ſeals, from time to time, to aſſign and appoint, within each port or place within the ſaid kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, ſuch and ſo many meters, weighers and meaſurers of the ſaid coals and culm, as ſhall within the term aforeſaid be imported, brought or landed in ſuch port or place, wherein or for which ſuch meters, weighers or meaſurers, ſhall be aſſigned or appointed as aforeſaid; who ſhall from time to time meaſure and weigh all ſuch coals and culm ſo imported or brought, and when and as ſoon as any ſuch ſhip or veſſel ſhall be unladen, ſhall forthwith deliver a true certifi-

cate

cate in writing, under his or their hand or hands, unto the perſon or perſons appointed to receive the ſaid impoſitions or duties within ſuch port or place, of the ſorts, quantities and numbers of chaldrons or tuns of coals or culm reſpectively, which ſhall be meaſured or weighed, and delivered from on board any ſuch ſhip or veſſel, under the penalty of one hundred pounds; and in caſe it ſhall appear by ſuch certificate or otherwiſe, that there was on board any ſuch ſhip or veſſel a greater number of chaldrons or tuns of coals or culm, than for which the ſaid impoſitions or duties hereby impoſed ſhall have been anſwered and paid as aforeſaid, that then in every ſuch caſe there ſhall be paid unto his Majeſty, his heirs and ſucceſſors, by the maſter or owners of ſuch ſhip or veſſel, for every chaldron or tun of coals or culm ſo concealed, over and above the impoſitions and duties aforeſaid, the ſum of ten ſhillings; for which, in caſe of refuſal to pay the ſame, ſuch ſhip or veſſel, with the tackle, furniture, and apparel thereof, or any part thereof, ſhall and may be attached and detained by the officer or officers for the time being, in ſuch port or place appointed to receive the ſaid impoſitions or duties, or to meaſure or weigh the ſaid coals or culm, until payment thereof, and to ſell the ſaid ſhip or veſſel, tackle, furniture and apparel, or any part thereof, in caſe all the ſaid impoſitions, duties or payments before mentioned, for the ſaid concealed coals or culm, ſhall not be paid and ſatisfied, with reaſonable coſts and charges for ſuch attaching, detaining and ſelling, rendring the overplus; which ſale ſhall be good and effectual in law.

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XVII. Provided nevertheleſs, That if the importer, upon ſuch certificate delivered in by the meaſurer or weigher, ſhall within the ſpace of ſix days after the delivery of ſuch ſhip or veſſel, give in his poſt-entry, and ſatisfy and pay the whole duty for the ſurpluſage of the ſaid coals or culm, appearing upon the unlading of ſuch ſhip or veſſel, then upon ſuch payment the penalty aforeſaid ſhall be diſcharged.

Forfei ſaved entry ment 6 day

XVIII. And for the manifeſtation of the truth and certainty in the premiſſes, be it further enacted by the authority aforeſaid, That the officers to be appointed in each port and place for the receiving of the ſaid impoſitions or duties, and for the weighing and meaſuring of the ſaid coals and culm, ſhall reſpectively keep one or more book or books for every ſuch port or place, wherein they ſhall reſpectively enter down a true account of all ſuch ſums of money, which ſhall be paid or received for or upon account of the ſaid impoſitions or duties, and of all the payments and diſburſements of the ſame; and alſo a true account of the numbers of chaldrons and tuns of coals and culm ſo imported and unladen in any ſuch port or place, and of the reſpective ſorts thereof; and the monies ariſing by the impoſitions and duties aforeſaid are to be paid unto the receiver or receivers general of the cuſtoms for the time being, and by them to be paid and returned into the receipt of his Majeſty's *Exchequer*, for his Majeſty's uſe, where the ſame ſhall be kept and entred in books

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diſtinct and apart from any other branch of his Majeſty's revenue.

Allowance of ſeamen to coal ſhips, and penalty upon officers impreſſing them.

XIX. And for the encouraging of all ſuch ſhips or veſſels as ſhall be employed in bringing coals for ſupplying the city of *London*, and other ports of this kingdom, at more reaſonable rates than during this war they have hitherto been; be it enacted by the authority aforeſaid, That from and after the ſaid nine and twentieth day of *September*, there ſhall be allowed yearly, from the fifteenth day of *April*, until the firſt day of *January*, free from impreſſing, to every maſter of any ſhip or veſſel employed in the coal trade, two able ſeamen (ſuch as the maſter ſhall nominate) for every ſhip or veſſel under one hundred tun, and one for every fifty tun, for every ſhip or veſſel of one hundred tun and upwards burthen, according to the meaſurement which ſuch a ſhip or veſſel ſhall appear to be of, by a certificate which ſhall be produced from the cuſtom houſe, of what number of tuns ſuch a ſhip or veſſel hath paid for, by an act for laying a duty on tunnage of ſhipping; and if any captain, lieutenant or other officer, ſhall by any authority whatſoever preſume to impreſs or take any of the men allowed by this act, ſuch captain, lieutenant or other officer, ſhall forfeit to the maſter or owner of ſuch ſhip or veſſel ten pounds for every man he ſhall ſo impreſs or take, to be recovered, with coſts of ſuit, by action of debt, bill, plaint or information, in any of his Majeſty's courts of record, wherein no eſſoin, protection, privilege, wager of law, injunction or order of reſtraint, ſhall be in any wiſe granted or allowed, and ſhall alſo be made incapable of holding any place, office or employment, in any of his Majeſty's ſhips of war.

11 & 12 W. 3. c. 13. ſ. 8. 6 Ann. c. 22. ſ. 8.

9 Anne, c. 6. ſ. 5.

XX. *And whereas the impoſition upon coals exported to foreign parts is ſo great, that it is almoſt a prohibition, to the great diminution of his Majeſty's cuſtoms, the leſſening of the* Engliſh *navigation, and the exportation of coals beyond the ſeas:* for remedy whereof be it enacted by the authority aforeſaid, That all coals exported beyond the ſeas in foreign bottoms ſhall, during the continuance of this act, only pay ten ſhillings the chaldron; and in *Engliſh* bottoms, only three ſhillings the chaldron; any law to the contrary notwithſtanding.

A clauſe of loan for 564,700 l. upon this act at 7 l. per cent.

XXI. And be it further enacted by the authority aforeſaid, That from and after the tenth day of *May*, one thouſand ſix hundred ninety five, it ſhall and may be lawful to and for his Majeſty, or his officers in the receipt of his *Exchequer* by his command and appointment, to borrow and take into the ſaid receipt, at intereſt, for his Majeſty's uſe, by way of loan, any ſum or ſums of money, which together with the whole value or amount of all the ſums of money which ſhall be collected, levied and paid by virtue of this act, ſhall not exceed in the whole the ſum of five hundred ſixty four thouſand ſeven hundred pounds; which ſum or ſums of money ſo to be taken up or borrowed, ſhall and may be charged upon the credit of his Majeſty's *Exchequer* in general; and tallies of loan, and orders for repay-

repayment of the ſame, ſhall be levied accordingly, which orders ſhall be aſſignable and transferrable from one perſon to another.

XXII. And it is hereby enacted and declared, That all and every ſum and ſums of money ſo to be borrowed, not exceeding as aforeſaid, together with the intereſt for the ſame, not exceeding the rate of ſeven pounds *per centum per annum*, to be paid every three months, until ſatisfaction of the principal, ſhall be payable and be paid or ſatisfied unto the reſpective lender or lenders of the ſame, his, her or their executors, adminiſtrators or aſſigns, out of the monies ariſing by this act, ſo far as the ſame ſhall extend; and ſo much as the ſaid act ſhall fall ſhort or be deficient for paying, the ſame ſhall be payable, and be paid or ſatisfied unto the reſpective lender or lenders of the ſame, his, her or their executors, adminiſtrators or aſſigns, out of any of the next aids or ſupplies to be granted to his Majeſty in parliament; and ſhall be transferred and transferrable thereunto, as ſoon as any ſuch aid or ſupply ſhall be granted; and in caſe no ſuch aid or ſupply ſhall be granted to his Majeſty before the ſecond day of *February*, one thouſand ſix hundred ninety five, then the ſaid ſum and ſums of money ſo to be borrowed, not exceeding as aforeſaid, and the intereſt thereof, ſhall be payable, and be paid and ſatisfied to the ſaid lender or lenders, his, her or their executors, adminiſtrators or aſſigns reſpectively, by and out of any of his Majeſty's treaſure, which from thenceforth ſhall come into, be or remain in the receipt of his Majeſty's *Exchequer*, not being already appropriated to any particular uſes by any act or acts of parliament before this time made.

If this ſupply faileth in payment, the next aid given to be charged.

If no aid given before Feb. 2. Exchequer charged.

XXIII. And be it further enacted by the authority aforeſaid, That nine of the ſhips of war, part of the forty three, which by an act of this preſent ſeſſion of parliament were appointed to cruiſe in ſeveral ſtations to guard the coaſts and trade of this kingdom, are hereby appointed to cruiſe or convoy (that is to ſay) ſix on the Northern coaſts, and three on the Weſtern coaſts, in ſuch ſtations as ſhall be directed by the lord high admiral of *England*, or commiſſioners for executing the office of lord high admiral of *England* for the time being, for the better protecting and preſerving ſuch ſhips and veſſels as ſhall be employed in the coal trade.

Nine ſhips to guard the coal trade.

XXIV. And be it further enacted by the authority aforeſaid, That there ſhall be allowed, to every maſter or owner of any ſhip or veſſel, three months time for the payment of the duty impoſed by this act, good and ſufficient ſecurity being given for the ſame, ſuch as the collector or other chief officer of the port or place where ſuch goods ſhall be imported or brought, ſhall approve of, or if ſuch maſter or owner ſhall pay preſent money, there ſhall be allowed him after the rate of ten pounds *per centum per annum* for ſuch prompt payment; and if any of the coals, for which the duty hereby granted, paid, or ſecured, at the importation thereof, be again exported to any other place of this kingdom, or to any parts beyond the ſeas, then the aforeſaid duty

3 months time for paying the duties, and the duties to be repaid upon exportation.

duty ſhall be wholly repaid, or the ſecurity vacated, upon due proof thereof in uſual form.

Appropriation of the monies ariſing by this and the marriage act. 6 & 7. W. 3. c. 6.

XXV. And it is hereby further enacted by the authority aforeſaid, That out of the money that ſhall be levied or paid into the receipt of the *Exchequer*, as well upon loans as otherwiſe, by virtue of this act, and alſo by one other act of this preſent ſeſſion of parliament, intituled, *An act for granting to his Majeſty certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war againſt* France, the ſum of four hundred forty eight thouſand ſeven hundred and twelve pounds ſhall be and is hereby appropriated for the ſervices of the navy and ordnance for ſea ſervice, performed and to be performed, and for pay of the officers and ſoldiers of the two marine regiments (that is to ſay) out of this preſent act, two hundred thouſand pounds, and out of the laſt recited act, the ſum of two hundred forty eight thouſand ſeven hundred and twelve pounds: and that all other monies, which ſhall be levied and paid by virtue of this and the aforeſaid act into the receipt of the *Exchequer*, as well upon loans, as otherwiſe, ſhall be applied and appropriated, and is hereby appropriated to and for the payment of his Majeſty's land forces and armies, and the paying for arms, ammunition, and other charges incident to the war, and not otherwiſe.

Rules in the act of 1 W. & M. ſſ. 2. c. 1. for 2 s. in the pound to be obſerved.

XXVI. And for the more effectual doing thereof, and that the ſums by this act appropriated may not be diverted or applied to any other purpoſe than is hereby declared and intended, be it enacted by the authority aforeſaid, That the rules and directions appointed and enacted in one act made in the firſt year of their Majeſties reign, intituled, *An act for a grant to their Majeſties of an aid of two ſhillings in the pound for one year*, for the ſpeedy payment of money thereby granted, into the receipt of the *Exchequer*, by the collectors and receivers, and for diſtribution and application thereof, and keeping diſtinct accounts of the ſame, and all other proviſions, pains, penalties, and forfeitures thereby enacted, in caſe of diverſion of any money thereby appropriated, are hereby revived and enacted to be in force; and ſhall be practiſed, applied, executed, and put in ure, for and concerning the diſtribution and application of the ſaid ſums hereby appropriated, as fully, amply, and effectually, as if the ſame were here particularly repeated and re-enacted.

Coal meters already ſworn ſtill to continue.

XXVII. Provided always, and be it further enacted by the authority aforeſaid, That the weight, metage, and admeaſurement, of all coal and culm, brought to or landed in the port of *London*, or in any other port or place, where there are ſworn coal meters, ſhall be taken by ſuch coal meters for the time being, as now it is, and they to give an account thereof upon oath in manner aforeſaid; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Penalty for trading in alamodes, &c. not having the

XXVIII. *And whereas notwithſtanding the ſeals and marks that are appointed and uſed by the commiſſioners of his Majeſty's cuſtoms upon foreign black alamodes and luſtrings, in order to prevent frauds, and*

and the ſeal and ſeals alſo uſed by the luſtring company, *ill men do daily import fraudulently great quantities of* French *alamodes and luſtrings into this realm, and do utter and ſell the ſame, by which means alſo they have opportunities to export wool and money out of* England, *to the great prejudice of this nation:* for remedy whereof be it enacted by the authority aforeſaid, That no perſon or perſons ſhall preſume to deal or ſell, buy or ſell again, or ſend beyond ſea, any black alamodes or luſtrings, unleſs they have the ſeal or ſeals, mark or marks, which are already uſed for foreign goods at the cuſtom houſe, or the ſeal and mark alſo uſed by the luſtring company, for the goods manufactured by them in *England*, under the forfeiture of all ſuch unqualified goods, and alſo ſhall forfeit the ſum of one hundred pounds for every offence; one half to the uſe of his Majeſty, his heirs and ſucceſſors, and the other half to the uſe of ſuch perſon or perſons who ſhall ſue for the ſame, to be recovered by action of debt, bill, plaint, or information, or otherwiſe, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law, ſhall be allowed, and no more than one imparlance.

cuſtom houſe mark. 8 & 9 W. 3. c. 36. ſ. 3.

XXIX. And be it alſo enacted by the authority aforeſaid, That if the buyer of ſuch goods, not ſealed according to law, ſhall, within twelve months after ſuch offence committed, diſcover the perſon or perſons of whom he ſhall buy the ſame, he ſhall not only be diſcharged of the penalty to which he is hereby liable, but ſhall alſo have and receive to his own uſe one moiety of the ſum hereby impoſed upon the party or parties that ſhall ſell or diſpoſe of any ſuch alamodes and luſtrings without the ſeal or marks aforeſaid.

Buyer, on diſcovering the ſeller, to be diſcharged, &c.

XXX. And be it further enacted, That if any perſon or perſons ſhall alter, counterfeit, or miſapply, any of the ſeals or marks now uſed, and hereby required to be uſed, for the purpoſes aforeſaid, ſuch offender ſhall forfeit the ſum of one hundred pounds, to ſuch perſon or perſons who ſhall ſue for the ſame, to be recovered in like manner, as is herein before mentioned.

100 l. for counterfeiting the mark.

XXXI. *And whereas upon the act made the laſt ſeſſion of parliament, intituled,* An act for licencing and regulating hackney coaches and ſtage coaches, *the commiſſioners being thereby enabled to licence ſtage coaches; and it being enacted, That no licence continue longer than for one year from the date thereof; and it being alſo enacted by the ſaid act, That no perſon ſhall preſume to drive or let to hire any ſtage coach or coach horſes, without having ſuch leave or licence, as the ſaid act directs; it hath been doubted whether the ſaid commiſſioners might make new licences for ſtage coaches, after the determination of the firſt, and ſo to continue for the term of one and twenty years, and what was intended by the general prohibition of ſtage coaches not having ſuch licences, without having any reſtraint or limitation of time:* for explaining of which doubts, be it enacted, and it is hereby further enacted by the authority aforeſaid, That nothing in the ſaid act contained ſhall extend or be conſtrued any

5 & 6 W. & M. c. 22.

Commiſſioner for the hackney coaches not to grant licences for longer time than June, 95

any way to impower any commiſſioners, that are or ſhall be appointed by virtue of the ſaid act, to make or grant any licence to any perſon or perſons whatſoever, to drive or let to hire any ſtage coach or coach horſes, to continue or be in force after the four and twentieth day of *June*, one thouſand ſix hundred ninety five. And it is hereby declared and enacted, That all leaſes or licences heretofore made, and which are to continue after the ſaid four and twentieth day of *June*, as for all the time after the ſaid four and twentieth day of *June*, ſhall be and are hereby declared null and void to all intents and purpoſes whatſoever. And it is hereby further enacted and declared, That nothing in the ſaid act contained ſhall extend or be conſtrued to be any prohibition, whereby any perſon ſhall be reſtrained from driving, or letting to hire, any ſtage coach or coach horſes, from and after the ſaid four and twentieth day of *June*. And if the ſaid commiſſioners, or any of them, by reaſon of the obſcurity of the ſaid act, have made any miſtake, by granting or giving licences to drive or let to hire ſtage coaches or coach horſes to continue longer or after the ſaid four and twentieth day of *June*, for ſo doing they and every of them are hereby indemnified.

CAP. XIX.

EXP. An act for impriſoning Sir Thomas Cooke, Sir Bazil Firebrace, Charles Bates eſquire, and James Craggs; and reſtraining them from alienating their eſtates.

CAP. XX.

EXP. An act for the King's moſt gracious, general and free pardon.

Anno Regni GULIELMI III. *ſeptimo & octavo.*

AT *the parliament begun at* Weſtminſter *the two and twentieth day of* November, Anno Dom. 1695. *in the ſeventh year of the reign of our ſovereign lord* William *the Third, by the grace of God, of* England, Scotland, France, *and* Ireland, *King, defender of the faith*, &c.

CAP. I.

An act for remedying the ill ſtate of the coin of the kingdom.

2 Ed. 3. ſtat. 5. c. 13. 3 H. 5. c. 6 & 7. 19 H. 7. c. 5. 5 Eliz. c. 11. 18 Eliz. c. 1. 6 & 7 W. 3. c. 17.

WHEREAS *the ſilver coins of this realm (as to a great part thereof) do appear to be exceedingly diminiſhed by ſuch perſons, who (notwithſtanding ſeveral good laws formerly provided, and many examples of juſtice thereupon) have practiſed the wicked and pernicious crime of clipping, until at length the courſe of the moneys within this kingdom is become difficult, and very much perplexed, to the unſpeakable wrong and prejudice of his Majeſty and his good ſubjects in their*

their affairs, as well publick as particular, and no ſufficient remedy can be applied to the manifold evils ariſing from the clipping of the moneys without recoining the clipt pieces.

A regular method to be kept for receiving of clipt money.

II. *Now to the end a regular and effectual method may be obſerved and put in execution, in and for the receiving of the ſaid clipt moneys, whether the ſame be ſterling ſilver, or be ſilver of a coarſer allay than the ſtandard; and to the end the loſs upon the ſaid moneys ſo to be recoined (to wit) the quantity of ſilver that is clipt away, or deficient in the ſaid moneys, may be better known and adjuſted, in order to the making ſatisfaction for the ſame by a publick charge or contribution*, Be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and of the commons in this preſent parliament aſſembled, and by the authority of the ſame, That on or before the firſt day of *February*, one thouſand ſix hundred ninety five, the preſent commiſſioners of his Majeſty's treaſury, or any one or more of them now being, or the lord high treaſurer, or any one or more of the commiſſioners of the treaſury for the time being, ſhall, with the aſſiſtance of the chamberlains of the Exchequer, the under treaſurer, the auditor of the receipt, the clerk of the pells, and the deputy chamberlains there, or with the aſſiſtance of any three or more of them, and in the preſence of any perſons who have loans owing to them at the Exchequer, and will voluntarily offer themſelves to be preſent, cauſe all the clipt money, being ſterling ſilver, or being ſilver of a coarſer allay than the ſtandard, and which ſhall be then actually remaining in the King's receipt of the Exchequer, upon the account of taxes, revenues, loans or otherwiſe, to be exactly numbred or told, and to be alſo carefully weighed, and the tale and weight thereof to be fairly entred in a book to be kept for that purpoſe within the ſaid receipt, whereunto all perſons concerned ſhall have free acceſs at all ſeaſonable times, without fee or charge; and in the ſame book there ſhall not only be expreſſed the general tale of all the ſaid clipt moneys that ſhall be then found within the ſaid receipt, but alſo the particular remains thereof ſhall likewiſe be ſet down and inſerted, to wit, how much thereof is for cuſtoms, how much thereof for exciſe, how much thereof for any aid, and ſo of all the reſt; and ſhall thereupon immediately cauſe all ſuch clipt money, ſo found in the ſaid receipt, to be there, or in ſome convenient place within the precincts thereof, melted down and caſt into ingots, and ſo to be eſſayed and delivered by weight into his Majeſty's mint or mints, where the officers ſhall receive the ſame, by indenture, to be there immediately refined, or otherwiſe reduced to ſterling, and to be coined by the mill and preſs, into the current money of this realm, to hold ſuch weight and fineneſs as are preſcribed by the preſent indenture with his Majeſty's maſter and worker for making of ſilver moneys at the tower of *London*; and with ſuch allowance, called, the remedy, as is given to the ſaid maſter, by the ſaid indenture, which weight and fineneſs are hereby declared to be, and ſhall remain to be the ſtandard of and for the lawful ſilver coin of this kingdom.

On or before 1 Feb. 1695.

The clipt money in the Exchequer to be told, weighed, and entred.

Setting down how much for cuſtoms, &c. and to be melted, and aſſayed and coined.

III. And

Charge of re-coining.

III. And be it further enacted by the authority aforeſaid, That all the new money proceeding from the ſilver of the ſaid clipt moneys (except the neceſſary charge of making the ſaid new money) which charge ſhall not exceed fourteen pence upon every pound weight *troy*, and except the neceſſary charge of melting and refining, ſhall from time to time, as faſt as ſuch new money ſhall be coined, or at leaſt by weekly payments, be brought back into the receipt of his Majeſty's exchequer, and be there placed to the reſpective accounts of the ſaid particular revenues, taxes, loans, or other branches to which the clipt moneys belonged, in ſuch manner as that the new money ſhall be applied, to every particular branch or fund in ſuch or the like proportion as the clipt money taken from that particular branch or fund ſhall bear to the ſum of the clipt money ſo as aforeſaid to be taken from the whole, and ſhall be iſſued, paid out, and diſpoſed accordingly, ſo far as the ſame will extend, and ſo as that in all caſes where any of the ſaid clipt moneys were appropriated, by any former act or acts of parliament, for repayment of loans, or for ſatisfaction of intereſt-money, or for payment of annuities, or other uſes, the new moneys coming inſtead thereof, ſo far as the ſame will extend, ſhall be appropriated, iſſued and applied to the ſame reſpective uſes, without being diverted or divertible to any other uſe, or being miſapplied, under the penalty of incurring the ſame forfeitures and diſabilities, by the officers or other perſons concerned therein, as they would have incurred for diverting or miſapplying the money of ſuch taxes, revenues, loans, or other branches, in caſe the ſame were not recoined.

New money to be brought into the Exchequer, and placed to account. See 7 & 8 W. 3. c. 18. ſ. 36.

Penalty of miſapplying new moneys.

Account to be kept in the Exchequer of the new moneys brought from the mint.

IV. And be it further enacted by the authority aforeſaid, That a true account ſhall be kept in the ſaid receipt of Exchequer, expreſſing therein particularly every ſum of the new moneys which ſhall be brought to that receipt, from the mint or mints for the proceed of the ſaid clipt money appointed to be recoined as aforeſaid, to the end the differences between the ſums in tale of the ſaid clipt money, and the ſums in tale of the ſaid new moneys proceeding therefrom, may be plainly known and manifeſted, and to the end the deficiencies which will thereby be occaſioned in the produce of the ſaid revenues, taxes, loans and other branches may be aſcertained, in order to the making them good at the publick charge; to which book all perſons concerned, at ſeaſonable times, ſhall alſo have free acceſs without fee or charge.

Deficiencies to be made good.

Receivers, &c. of the revenue to take clipt moneys,

V. And be it further enacted by the authority aforeſaid, That the ſeveral receivers general, and their ſeveral deputies, and the particular receivers, collectors and other officers, who have, or ſhall have, or be intruſted with the receipt or collection of his Majeſty's revenues, impoſitions, duties, taxes, aids or ſupplies, or any of them, now granted or in being, or hereafter to be granted, ſhall, and by this act they are ſeverally required and enjoined to accept and take in payment for his Majeſty's uſe,

for

for or upon account of any of the ſaid revenues, impoſitions, duties, taxes, aids, or ſupplies, reſpectively, ſuch clipt monies as aforeſaid, being ſterling ſilver, or being ſilver monies of a coarſer allay than the ſtandard, from ſuch perſon or perſons, bodies politick or corporate, as ſhall tender the ſame, in or for ſuch payments reſpectively, at any time or times before the fourth day of *May*, which will be in the year of our Lord one thouſand ſix hundred ninety ſix, at the ſame rate or value, as if ſuch monies were unclipt or undiminiſhed, and ſhall not refuſe any piece or pieces of ſilver monies ſo tendred, by reaſon or pretence of their being worſe, or holding more allay than ſtandard ſilver, ſo as ſuch piece or pieces do not evidently appear to be made of copper or baſe metal plated over or waſhed with ſilver only.

being ſterling ſilver, or ſilver of a coarſer allay, at the ſame value as if unclipt.

VI. And be it further enacted by the authority aforeſaid, That the tellers in the receipt of his Majeſty's Exchequer reſpectively, ſhall at any time or times before the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, not only receive and take to his Majeſty's uſe, at the receipt of Exchequer, the ſaid clipt monies which ſhall have been ſo received or collected by the ſaid receivers general, and their ſeveral deputies, or by the particular receivers, collectors, or other officers, which ſhall be by them brought to the ſaid receipt, for the ſaid revenues, impoſitions, duties, taxes, aids, or ſupplies before mentioned, but ſhall alſo at any time or times before the ſaid four and twentieth day of *June*, receive and take to his Majeſty's uſe, in ſuch clipt money as aforeſaid, any loans which ſhall be authorized to be made or received there, or any other payments which ſhall be due to his Majeſty; unleſs ſuch loans or payments, or any of them, ſhall be ſpecially directed by any other act or acts of parliament, to be received in other kind of money.

Tellers of the Exchequer may receive clipt money, and take it for loans, unleſs ſpecially directed to be received in other kind of money.

VII. And be it further enacted by the authority aforeſaid, That the ſaid tellers in the receipt of his Majeſty's Exchequer, ſhall take care to ſeparate and keep apart all the ſaid clipt monies that ſhall hereafter be received by them for loans, taxes, revenues, or any other cauſe whatſoever, ſo that it may be known which ſpecifical parcels of money brought in ſhall appertain to every particular tax, fund or branch; and that the preſent commiſſioners of the treaſury, or any one or more of them, or the lord treaſurer, or any one or more of the commiſſioners of the treaſury for the time being, ſhall once or oftener, in every fourteen days, in the preſence, and with the aſſiſtance, of ſuch officers of the Exchequer as are above mentioned, and of ſuch perſons, having loans due to them from the Exchequer, as ſhall deſire to be there preſent, cauſe all the ſaid clipt monies which they ſhall from time to time find to be actually remaining in the King's receipt of the Exchequer for the ſaid taxes, revenues, loans, or other branches reſpectively, to be exactly numbred or told, and to be alſo carefully weighed, and the tale and weight thereof to be fairly entred in the book above mentioned to be kept for that purpoſe, wherein ſhall be expreſſed the particular taxes, funds or branches whereunto ſuch clipt monies do ſeverally belong, and ſhall thereupon imme-

Clipt money received for loans to be kept apart.

Clipt money in the Exchequer to be numbred and weighed, and caſt into ingots, and delivered to the officers of the mint to be coined, and brought back into the Exchequer, and placed to the reſpective accounts, and paid out accordingly.

immediately cauſe all the clipt monies which ſhall ſo from time to time be found in the ſaid receipt, to be melted down, and caſt into ſeveral ingots, in ſuch manner as that the money of one branch ſhall not be mixed with that of another, in the melting or in the ingot; and ſhall alſo cauſe the ſaid ingots to be eſſayed, and delivered to the officers of his Majeſty's mint or mints, by indenture, expreſſing the weight and fineneſs of every ingot, and the particular tax, fund or revenue to which it belongs; which ſaid officer ſhall immediately cauſe ſuch ſilver to be refined and reduced to ſterling, and coin the ſame by the mill and preſs into the current monies of this realm, to be of ſuch weight and fineneſs as above mentioned; and that all the new monies proceeding from the ſilver of the ſaid clipt monies, which ſhall ſo from time to time be tranſmitted to his Majeſty's mint or mints (except the neceſſary charge for making the ſame, and the charge of refining and melting, as aforeſaid) ſhall from time to time, as faſt as it ſhall be coined, or at leaſt by weekly payments, be brought back into the receipt of his Majeſty's Exchequer, and be there placed to the reſpective accounts of the ſaid particular revenues, taxes, loans, or other branches, to which the clipt monies did reſpectively belong, and ſhall be iſſued, paid out and diſpoſed of accordingly, as far as the ſame will extend, and ſhall be appropriated, iſſued and applied to the ſame reſpective uſes, without being diverted or divertible to any other uſe, or being miſapplied, under the penalty of incurring the ſame forfeitures and diſabilities, by the officers or other perſons concerned therein, as they would have incurred for diverting or miſapplying the money of ſuch taxes, revenues, loans, or other branches, in caſe the ſame were not recoined.

Penalty.

Account to be kept of the new money brought from the mints.

VIII. And be it further enacted by the authority aforeſaid, That a true account ſhall be kept in the ſaid receipt of the Exchequer, expreſſing therein particularly every ſum of the new monies, which ſhall ſo from time to time be brought to the ſaid receipt from the mint or mints, for the proceed of the ſaid clipt money appointed to be recoined as aforeſaid, to the end the differences between the ſums in tale of the ſaid clipt money, and the ſums in tale of the ſaid new monies proceeding therefrom from time to time, as is laſt mentioned, may be plainly known and manifeſted, and to the end the deficiencies which will thereby be occaſioned in the produce of the ſaid revenues, taxes, loans, and other branches, may be aſcertained, in order to the making them good at the publick charge.

Deficiencies to be made good.

Mints to be under methods preſcribed by this act.

IX. And be it further enacted by the authority aforeſaid, That ſuch mints as his Majeſty ſhall erect for the greater eaſe of his ſubjects, in the remote part of this kingdom, not being leſs than four, ſhall be under the methods and directions preſcribed by this act.

Hammered money.

X. And in regard ſuch of the coins of this realm, formerly made with the hammer, and not by the mill and preſs, and which do at this time remain whole and unclipt, will ſtill be

moſt

moſt liable and ſubject to that pernicious crime of clipping or rounding by wicked perſons, who regard their own unjuſt lucre more than the preſervation of their native country:

Hammered money unclipt to be punched and not current unleſs ſtruck through.

XI. For the better prevention thereof, be it further enacted by the authority aforeſaid, That every perſon having ſuch unclipt hammered monies in his, her, or their hands, cuſtody, or poſſeſſion, do, before the tenth day of *February*, one thouſand ſix hundred ninety five, or before they diſpoſe of the ſame, cauſe ſuch unclipt monies to be ſtruck through, about the middle of every piece, with a ſolid punch that ſhall make a hole without diminiſhing the ſilver; and that after the ſaid tenth day of *February*, no unclipt hammered monies (that is to ſay) ſuch pieces as have both rings, or the greateſt part of the letters appearing thereon, ſhall be current, unleſs it be ſo ſtruck through; and if any piece ſtruck through ſhall appear afterwards to be clipt, no perſon ſhall tender or receive the ſame in payment, under the penalty of forfeiting as much as the clipt monies ſo punched through ſhall amount to in tale, to be recovered to the uſe of the poor of the pariſh where ſuch money ſhall be ſo tendred or received; and his Majeſty's juſtices of the peace, or the major part of them, in the general quarter ſeſſion, upon complaint to be made to them of ſuch offence, are hereby impowered to take cognizance thereof, and to determine the ſame, and for that purpoſe to cauſe the parties complained of to appear before them, and in caſe of conviction, to iſſue their warrant or warrants to levy ſuch penalty upon the goods and chattels of the offenders.

Penalty.

Further provided for by 7 & 8 W. 3. c. 19. ſ. 11.

Juſtices of the peace to determine complaints.

Officers making default, to pay double damages.

XII. And be it further enacted by the authority aforeſaid, That in all caſes where any matter or thing is by this act injoined to be done by any of his Majeſty's officers of the Exchequer, or of the mints, or by any receiver general, or any other officer of his Majeſty herein employed, and ſuch officer ſhall make wilful default in the performance thereof, by which any perſon or perſons whatſoever ſhall be grieved, or ſuffer any loſs or damage, then, and in every ſuch caſe, the officer or officers making ſuch default, ſhall be liable, by virtue of this act, to anſwer and pay double damages to the party grieved or injured; and that all penalties and forfeitures ariſing by this act, in all caſes where no ſpecial remedy is before appointed for recovery thereof, ſhall and may be recovered by action of debt, bill, ſuit, or information, in any of his Majeſty's courts of record, wherein no eſſoign, protection, wager of law, or more than one imparlance ſhall be granted.

Out of every hundred weight of troy, forty pounds to be coined into ſhillings, and ten pounds into ſixpences; and in caſe of omittance forfeit 20l. *alter-*

XIII. And in regard the ſmaller pieces of the new money to be coined, as aforeſaid, will be moſt uſeful in commerce, be it further enacted, That from and after the fourth day of *February*, one thouſand ſix hundred ninety five, the maſter and worker of his Majeſty's mint for the time being, ſhall, upon every hundred pound weight of *Troy* of ſterling ſilver to be coined as aforeſaid, purſuant to the direction of this act, from time to time, cauſe at leaſt forty pounds weight *Troy* to be coined into ſhillings, and ten pounds weight *Troy* to be coined into ſixpences, beſides

ed by 7 & 8 W. 3. c. 30. ſ. 47.

the other coins which he is to make out of the ſame, purſuant to the ſaid indenture of the mint; and that in caſe the maſter and worker of the mint ſhall omit ſo to do, he ſhall forfeit for every ſuch offence twenty pounds, the one moiety thereof to be to his Majeſty, the other moiety thereof to the informer, to be recovered by action of debt, bill, plaint or information, wherein no wager of law, protection, priviledge, imparlance or eſſoign ſhall be allowed.

Sixpences not clipt to be current.

XIV. Provided that nothing in this act ſhall extend, or be conſtrued to extend, to enforce or oblige the melting down, or recoining, or prohibit the receiving or paying of ſixpences, being of ſterling ſilver, and not being clipt within the innermoſt ring.

CAP. II.

An act for enlarging the times, to come in and purchaſe certain annuities therein mentioned, and for continuing the duties formerly charged on low wines, or ſpirits of the firſt extraction, for carrying on the war againſt France.

6&7W.3.c.5. WHEREAS *in and by an act lately made and paſſed in parliament, to wit, in the ſeſſion holden at* Weſtminſter, *in the ſixth and ſeventh years of his Majeſty's reign, intituled,* An act for enabling ſuch perſons as have eſtates for life in annuities, payable by ſeveral former acts therein mentioned, to purchaſe and obtain further or more certain intereſts in ſuch annuities, and in default thereof, for admitting other perſons to purchaſe and obtain the ſame, for raiſing monies for carrying on the war againſt *France, it was enacted, That it ſhould and might be lawful to and for any perſon or perſons, being intitled to any eſtate for one life, of and in any annuity purchaſed or obtained upon former acts therein mentioned, or any of them, at any time before the four and twentieth day of* July, *which ſhould be in the year of our Lord one thouſand ſix hundred ninety five, to advance and pay into the receipt of his Majeſty's* Exchequer, *ſo much money as every or any ſuch annuity, being computed for four years and an half, ſhould amount unto; and that every ſuch perſon, or ſuch as he ſhould nominate, upon ſuch payment made, ſhould be intitled to the ſame annuity during the term of ninety ſix years, to be reckoned from the five and twentieth day of* January, *one thouſand ſix hundred ninety five, in ſuch manner and form as in the ſaid act is mentioned: and it was thereby further enacted, That if any perſon or perſons, being intitled to any eſtate for one life in any ſuch annuity or annuities, ſhould not before the ſaid four and twentieth day of* July, *one thouſand ſix hundred ninety five, advance and pay into the receipt of* Exchequer *ſuch rate or conſideration money, as is before mentioned, that then, and in every ſuch caſe, it ſhould and might be lawful to and for any perſon or perſons whatſoever, at any time and times after the ſaid four and twentieth day of* July, *and on or before the twelfth day of* November, *one thouſand ſix hundred ninety five, to contribute, advance, and pay, into the ſaid receipt of* Exchequer, *ſo much money, as any ſuch annuity, being computed for five years, did or ſhould amount unto; and that every ſuch perſon, on ſuch payment made,*

made, ſhould have a good eſtate and intereſt in any ſuch annuity ſo to be purchaſed, during the ſaid term of ninety ſix years; ſubject nevertheleſs to the ſaid particular eſtate for life in being: and that tallies ſhould be levied, and orders drawn and ſigned, for the ſame, in ſuch manner as by the ſaid act is preſcribed, as by the ſame, relation being thereunto had, more plainly and at large it doth and may appear:

II. *And whereas divers perſons in purſuance of the ſaid recited act, did, within the ſaid reſpective times thereby limited, contribute or pay into the ſaid receipt of* Exchequer *ſeveral ſums of money, amounting in the whole to two hundred thirty five thouſand nine hundred fifty one pounds and ſixpence, for purchaſing further or more certain eſtates in ſome of the annuities before mentioned:*

III. *And whereas the perſons who are or may be intitled to ſuch of the ſaid annuities as do ſtill depend upon ſingle lives, and wherein further eſtates are not already purchaſed by the ſaid former act, are or may be willing and deſirous, or (in caſe of their or any of their neglect or refuſal) other perſons may yet be willing and deſirous to purchaſe and obtain a term of years, as aforeſaid, in the annuities laſt mentioned, or ſome of them, at the like rates, or for ſuch conſiderations, as were preſcribed by the ſaid former act, ſo as further times be allowed them for the doing thereof:* now, for the better encouragement of ſuch perſons who ſhall ſo contribute monies for the purpoſe aforeſaid, and for the better ſupplying of monies, with as much eaſe as may be, for the carrying on the war againſt *France*:

IV. Be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, that it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, being (as original contributors, or by meſne aſſignments, or by other lawful ways and means) intitled to any eſtate for one life (*viz.* his own, or the life of any other perſon) of or in any annuity purchaſed or obtained upon the ſeveral acts of parliament mentioned in the act above recited, or any of them, or ſuch as they ſhall nominate, at the rate of one hundred pounds for every fourteen pounds *per annum*, at any time before the four and twentieth day of *June*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix, to advance and pay into the receipt of his Majeſty's *Exchequer*, ſo much money as every or any ſuch annuity, being computed for four years and an half, doth or ſhall amount to (that is to ſay) every ſuch perſon ſhall or may pay to his Majeſty's uſe, for every one hundred pounds that was paid for the ſingle life, in any annuity of fourteen pounds *per annum*, the ſum of ſixty three pounds more, for changing or converting the ſame into a certain term for the reſidue which ſhall be then to come of the ſaid ninety ſix years, or for a further intereſt for the reſidue of the ſaid term of ninety ſix years, to take effect after the eſtate for life, as aforeſaid, and in the ſame proportion for higher or larger annuities.

Perſons intitled to annuities for one life on the acts 4 & 5 W. & M. c. 3. 5 & 6 W. & M. c. 20.

May for 63l. more purchaſe the reſidue of the term of 96 years.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, being intitled to any eſtate for one life in

Perſons intitled to eſtates for life, not

paying conſideration money before 24 of *June*, may, before 29 *Sept.* 1696. pay 70l. for reſidue of 96 years.

in being in any ſuch preſent annuity or annuities, as aforeſaid, or ſuch as they ſhall nominate, ſhall not before the ſaid four and twentieth day of *June* advance and pay into the receipt of *Exchequer* ſuch rate or conſideration money as is before mentioned, for changing ſuch his, her, or their eſtate for life, into a term certain, or for a future intereſt, as aforeſaid; that then and in every ſuch caſe it ſhall and may be lawful to or for any perſon or perſons whatſoever, natives or foreigners, having or not having any property or intereſt in ſuch eſtate for life, at any time or times after the ſaid four and twentieth day of *June*, and on or before the nine and twentieth day of *September*, in the year of our Lord one thouſand ſix hundred ninety ſix, to contribute, advance and pay into the ſaid receipt of *Exchequer*, ſo much money as any ſuch annuity, being computed for five years, doth or ſhall amount to (that is to ſay) for every hundred pounds that was paid for the ſingle life in an annuity of fourteen pounds a year, there ſhall be paid, in all the caſes laſt mentioned, the ſum of ſeventy pounds for an intereſt for the then reſidue of the ſaid term of ninety ſix years, to be reckoned as aforeſaid, and to be charged with and ſubject to the preſent eſtate for life, of and in the ſame or the like annuities; and there ſhall be paid a rate or conſideration in the ſame proportion for annuities exceeding fourteen pounds a year: and that all and every the perſon and perſons, ſo paying the conſideration monies as aforeſaid, ſhall immediately upon payment of their monies be intitled by this act to ſuch annuity or annuities ſo to be purchaſed, and the ſame ſhall be charged upon ſuch reſpective fund or revenue in the ſaid recited act mentioned, as if the conſideration money ſo to be contributed or advanced for the ſame had been actually advanced or contributed within the reſpective times limited by the ſaid former act; and that all and every the directions, powers, and clauſes, in the ſaid recited act contained, for or concerning the levying of tallies, or making forth of orders, or for making transferrences or aſſignments, or for the appropriating or applying the monies ariſing by the ſaid funds or revenues, or any of them, or for appointing, ſettling, or eſtabliſhing, any other matter or thing, for or in relation to the reſpective annuities thereby purchaſed or obtained, ſhall be and are by force and virtue of this act revived, and ſhall be duly obſerved, practiſed, and put in execution, for and in reſpect of ſuch annuities as ſhall be purchaſed or obtained upon this act, as fully and effectually as if the ſame powers, directions, and clauſes, were here again expreſſed, or particularly repeated.

Perſons paying a rate for annuities exceeding 14l. *per ann.* intitled to ſuch annuity.

All clauſes in the recited act 6 & 7 W. 3. c. 5. mentioned revived by this act.

2 W. & M. ſ. 2. c. 9. 1 Geo. 1. c. 12.

VI. *And whereas in and by an act made in the ſecond year of the reign of his Majeſty and the late Queen* Mary *of bleſſed memory, intituled*, An act for the encouraging the diſtilling of brandy and ſpirits from corn, and for laying ſeveral duties on low wines, or ſpirits of the firſt extraction, *it was enacted, That from and after the four and twentieth day of* December, *in the year of our Lord one thouſand ſix hundred and ninety, until the five and twentieth day of* December, *in the year of our Lord one thouſand ſix hundred ninety-*

five,

five, there ſhould be paid by way of exciſe, unto their Majeſties and their ſucceſſors, for all low wines, or ſpirits of the firſt extraction, drawn by diſtillers, or other makers of ſpirits and ſtrong waters for ſale within this kingdom of England, *dominion of* Wales, *and town of* Berwick *upon* Tweed, *the ſeveral rates and duties therein mentioned*; be it further enacted by the authority aforeſaid, That the ſeveral duties granted by the act laſt mentioned ſhall be raiſed, levied, collected, anſwered, and paid to his Majeſty's uſe, for the carrying on of the war againſt the *French* King, from the four and twentieth day of *December*, one thouſand ſix hundred ninety five, to the five and twentieth day of *March*, one thouſand ſix hundred ninety ſix, and no longer; and that the ſaid laſt mentioned act, and all the powers, proviſions and penalties, articles and clauſes therein contained, concerning the ſaid duties which were thereby granted, ſhall continue and be of full force and effect until the ſaid five and twentieth day of *March*, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying the ſaid duties hereby continued, according to the intent and meaning of this preſent act.

Exciſe on brandy, low wines, &c.

to be raiſed from 24 *Dec.* 1695. to 25 *March*, 1696.

All powers contained in the ſaid act to be in force till 25 *March*.

CAP. III.

An act for regulating of trials in caſes of treaſon and miſpriſion of treaſon.

WHEREAS *nothing is more juſt and reaſonable, than that perſons proſecuted for high treaſon and miſpriſion of treaſon, whereby the liberties, lives, honour, eſtates, blood, and poſterity of the ſubjects, may be loſt and deſtroyed, ſhould be juſtly and equally tried, and that perſons accuſed as offenders therein ſhould not be debarred of all juſt and equal means for defence of their innocencies in ſuch caſes*; in order thereunto, and for the better regulation of trials of perſons proſecuted for high treaſon and miſpriſion of ſuch treaſon; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety ſix, all and every perſon and perſons whatſoever, that ſhall be accuſed and indicted for high treaſon, whereby any corruption of blood may or ſhall be made to any ſuch offender or offenders, or to any of the heir or heirs of any ſuch offender or offenders, or for miſpriſion of ſuch treaſon, ſhall have a true copy of the whole indictment, but not the names of the witneſſes, delivered unto them, or any of them, five days at the leaſt before he or they ſhall be tried for the ſame, whereby to enable them, and any of them reſpectively, to adviſe with counſel thereupon, to plead and make their defence, his or their attorney or attorneys, agent or agents, or any of them, requiring the ſame, and paying the officer his reaſonable fees for writing thereof, not exceeding five ſhillings for the copy of every ſuch indictment; and that every ſuch perſon ſo accuſed and indicted, arraigned or tried for any ſuch treaſon, as aforeſaid, or for miſ-

From 25 *Mar.* 1696. perſons indicted for high treaſon, to have a copy of the indictment 5 days before trial, paying for the ſame. 7 Annæ. c. 21. ſ. 11.

and to make their defence by counſel and witneſſes on oath.

priſion of ſuch treaſon, from and after the ſaid time, ſhall be received and admitted to make his and their full defence, by counſel learned in the law, and to make any proof that he or they can produce by lawful witneſs or witneſſes, who ſhall then be upon oath, for his and their juſt defence in that behalf; and in caſe any perſon or perſons ſo accuſed or indicted ſhall deſire counſel, the court before whom ſuch perſon or perſons ſhall be tried, or ſome judge of that court, ſhall and is hereby authorized and required immediately, upon his or their requeſt, to aſſign to ſuch perſon and perſons ſuch and ſo many counſel, not exceeding two, as the perſon or perſons ſhall deſire, to whom ſuch counſel ſhall have free acceſs at all ſeaſonable hours; any law or uſage to the contrary notwithſtanding.

Court authorized to aſſign counſel.

II. And be it further enacted, That from and after the ſaid five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety ſix, no perſon or perſons whatſoever ſhall be indicted, tried, or attainted, of high treaſon, whereby any corruption of blood may or ſhall be made to any ſuch offender or offenders, or to any the heir or heirs of any ſuch offender or offenders, or of miſpriſion of ſuch treaſon, but by and upon the oaths and teſtimony of two lawful witneſſes, either both of them to the ſame overt act, or one of them to one, and the other of them to another overt act of the ſame treaſon; unleſs the party indicted, and arraigned, or tried, ſhall willingly, without violence, in open court, confeſs the ſame, or ſhall ſtand mute, or refuſe to plead, or in caſes of high treaſon ſhall peremptorily challenge above the number of thirty five of the jury; any law, ſtatute, or uſage, to the contrary notwithſtanding.

No perſon to be tried for high treaſon, but on the oath of 2 witneſſes.

III. Provided always, That any perſon or perſons, being indicted, as aforeſaid, for any of the treaſons, or miſpriſions of the treaſons aforeſaid, may be outlawed, and thereby attainted of or for any of the ſaid offences of treaſon, or miſpriſion of treaſon; and in caſes of the high treaſons aforeſaid, where by the law, after ſuch outlawry, the party outlawed may come in, and be tried, he ſhall, upon ſuch trial, have the benefit of this act.

Perſons indicted may be outlawed. But have benefit of this act.

IV. And be it further enacted and declared by the authority aforeſaid, That if two or more diſtinct treaſons of divers heads or kinds ſhall be alledged in one bill of indictment, one witneſs produced to prove one of the ſaid treaſons, and another witneſs produced to prove another of the ſaid treaſons, ſhall not be deemed or taken to be two witneſſes to the ſame treaſon, within the meaning of this act.

One witneſs to one treaſon, and another to another, not to be deemed 2 witneſſes.

V. And to the intent that the terror and dread of ſuch criminal accuſations may in ſome reaſonable time be removed, be it further enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety ſix, no perſon or perſons whatſoever ſhall be indicted, tried or proſecuted, for any ſuch treaſon as aforeſaid, or for miſpriſion of ſuch treaſon, that ſhall be committed or done within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, after the ſaid five and twentieth day of *March*,

No perſon to be indicted for treaſon, unleſs within 3 years after offence.

March, in the year of our Lord one thouſand ſix hundred ninety ſix, unleſs the ſame indictment be found by a grand jury within three years next after the treaſon or offence done or committed.

No proſecution unleſs indicted within 3 years.

VI. And that no perſon or perſons ſhall be proſecuted for any ſuch treaſon, or miſpriſion of ſuch treaſon, committed or done, or to be committed or done, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, before the ſaid five and twentieth day of *March*; unleſs he or they ſhall be indicted thereof within three years after the ſaid five and twentieth day of *March*; always provided and excepted, That if any perſon or perſons whatſoever ſhall be guilty of deſigning, endeavouring, or attempting, any aſſaſſination on the body of the King, by poiſon or otherwiſe, ſuch perſon or perſons may be proſecuted at any time, notwithſtanding the aforeſaid limitation.

Exception.

Perſons tried to have copies of the panel 2 days before trial.

VII. And that all and every perſon and perſons, who ſhall be accuſed, indicted, and tried for ſuch treaſon as aforeſaid, or for miſpriſion of ſuch treaſon, after the ſaid five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety ſix, ſhall have copies of the panel of the jurors who are to try them, duly returned by the ſheriff, and delivered unto them and every of them ſo accuſed and indicted reſpectively, two days at the leaſt before he or they ſhall be tried for the ſame; and that all perſons ſo accuſed and indicted for any ſuch treaſon as aforeſaid, ſhall have the like proceſs of the court where they ſhall be tried, to compel their witneſſes to appear for them at any ſuch trial or trials, as is uſually granted to compel witneſſes to appear againſt them.

Proceſs of the court to compel witneſſes to appear.

No evidence of acts not laid in the indictment.

VIII. And be it further enacted, That no evidence ſhall be admitted or given of any overt act that is not expreſsly laid in the indictment againſt any perſon or perſons whatſoever.

No indictment to be quaſhed for miſ-writing, &c. unleſs exception be made before evidence given.

IX. Provided alſo, and be it enacted by the authority aforeſaid, That no indictment for any of the offences aforeſaid, nor any proceſs or return thereupon, ſhall be quaſhed on the motion of the priſoner, or his counſel, for miſ-writing, miſ-ſpelling, falſe or improper *Latin*, unleſs exception concerning the ſame be taken and made in the reſpective court where ſuch trial ſhall be, by the priſoner or his counſel aſſigned, before any evidence given in open court upon ſuch indictment; nor ſhall any ſuch miſ-writing, miſ-ſpelling, falſe or improper *Latin*, after conviction on ſuch indictment, be any cauſe to ſtay or arreſt judgment thereupon: but nevertheleſs any judgment given upon ſuch indictment, ſhall and may be liable to be reverſed upon a writ of error, in the ſame manner, and no other, than as if this act had not been made.

And not to ſtay judgment.

Jury of 12 freeholders.

X. *And whereas by the good laws of this kingdom, in caſes of trials of commoners for their lives, a jury of twelve freeholders muſt all agree in one opinion before they can bring a verdict, either for acquittal or condemnation of the priſoner:*

Peers to be ſummoned 20 days before trial; and ſhall take the oaths, &c.

XI. *And whereas upon the trials of peers or peereſſes, a major vote is ſufficient, either to acquit or condemn*; be it further enacted by the authority aforeſaid, That upon the trial of any peer or peereſs, either for treaſon or miſpriſion, all the peers who have a right to ſit and vote in parliament ſhall be duly ſummoned, twenty days at leaſt before every ſuch trial, to appear at every ſuch trial; and that every peer, ſo ſummoned and appearing at ſuch trial, ſhall vote in the trial of ſuch peer or peereſs ſo to be tried, every ſuch peer firſt taking the oaths mentioned in an act of parliament made in the firſt year of the reign of King *William* and Queen *Mary*, intituled, *An act for abrogating the oaths of ſupremacy and allegiance, and appointing other oaths*; and alſo every ſuch peer ſubſcribing and audibly repeating the declaration mentioned in *An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament*, and made in the thirtieth year of the reign of the late King *Charles* the Second.

1 W. & M. ſt. 1. c. 8. 30 Car. 2. ſtat. 2. c. 1.

Act not to extend to any impeachment in parliament. 20 Geo. 2. c. 30.

XII. Provided always, That neither this act, nor any thing therein contained, ſhall any ways extend to, or be conſtrued to extend to any impeachment or other proceedings in parliament, in any kind whatſoever.

Nor to counterfeiting the coin, &c.

XIII. Provided alſo, That this act, nor any thing therein contained, ſhall any ways extend to any indictment of high treaſon, nor to any proceedings thereupon, for counterfeiting his Majeſty's coin, his great ſeal, or privy ſeal, his ſign manual, or privy ſignet. *The benefit hereof is extended by* 2 & 3 Annæ, *cap.* 20. *ſ.* 43. *to treaſons within that act.*

CAP. IV.

An act for preventing charge and expence in elections of members to ſerve in parliament.

WHEREAS *grievous complaints are made, and manifeſtly appear to be true, in the kingdom, of undue elections of members to parliament, by exceſſive and exorbitant expences, contrary to the laws, and in violation of the freedom due to the election of repreſentatives for the commons of* England *in parliament, to the great ſcandal of the kingdom, diſhonourable, and may be deſtructive to the conſtitution of parliaments*: wherefore for remedy therein, and that all elections of members to parliament may be hereafter freely and indifferently made without charge or expence; be it enacted and declared by our ſovereign lord the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that no perſon or perſons hereafter to be elected to ſerve in parliament for any county, city, town, borough, port or place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, after the *teſte* of the writ of ſummons to parliament, or after the *teſte* or the iſſuing out or ordering of the writ or writs of election upon the calling or ſummoning of any parliament hereafter, or after any ſuch place becomes vacant hereafter in the time of this preſent

Candidates after the *teſte* of the writ, or after any ſuch place becomes vacant, giving or promiſing any preſent or reward to any

or

or of any other parliament, ſhall or do hereafter, by himſelf or themſelves, or by any other ways or means on his or their behalf, or at his or their charge, before his or their election to ſerve in parliament for any county, city, town, borough, port, or place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, directly or indirectly give, preſent or allow to any perſon or perſons, having voice or vote in ſuch election, any money, meat, drink, entertainment or proviſion, or make any preſent, gift, reward or entertainment, or ſhall, at any time hereafter, make any promiſe, agreement, obligation, or engagement, to give or allow any money, meat, drink, proviſion, preſent, reward or entertainment, to or for any ſuch perſon or perſons in particular, or to any ſuch county, city, town, borough, port or place in general, or to or for the uſe, advantage, benefit, employment, profit or preferment of any ſuch perſon or perſons, place or places, in order to be elected, or for being elected, to ſerve in parliament for ſuch county, city, borough, town, port or place.

perſon having vote, for being ſo elected; 2 Geo. 2. c. 24. 16 Geo. 2. c. 11.

II. And it is hereby further enacted and declared, That every perſon and perſons ſo giving, preſenting or allowing, making, promiſing or engaging, doing, acting or proceeding, ſhall be and are hereby declared and enacted diſabled and incapacitated, upon ſuch election, to ſerve in parliament for ſuch county, city, town, borough, port or place; and that ſuch perſon or perſons ſhall be deemed and taken, and are hereby declared and enacted to be deemed and taken, no members in parliament, and ſhall not act, ſit, or have any vote or place in parliament, but ſhall be and are hereby declared and enacted to be to all intents, conſtructions and purpoſes, as if they had been never returned or elected members for the parliament. *See* 2 *Geo.* 2. *cap.* 24.

incapable to ſerve in parliament.

CAP. V.

An act for granting to his Majeſty an aid of four ſhillings in the pound for one year; for carrying on the war againſt France. EXP.

CAP. VI.

An act for the more eaſy recovery of ſmall tithes.

FOR the more eaſy and effectual recovery of ſmall tithes, and the value of them, where the ſame ſhall be unduly ſubſtracted and detained; where the ſame do not amount to above the yearly value of forty ſhillings from any one perſon; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons ſhall henceforth well and truly ſet out and pay all and ſingular the tithes, commonly called *ſmall tithes*, and compoſitions and agreements for the ſame, with all offerings, oblations and obventions, to the ſeveral rectors, vicars, and other perſons, to whom they are or ſhall be due, in their ſeveral pariſhes within this kingdom of *England*, dominion of *Wales*, and town of *Berwick*

Continued further for 7 years by 10 & 11 *W.* 3. *c.* 15. *and made perpetual by* 3 & 4 Anne. c. 18. ſ. 1.

wick upon *Tweed*, according to the rights, cuſtoms, and preſcriptions commonly uſed within the ſaid pariſhes reſpectively; and if any perſon or perſons ſhall hereafter ſubſtract or withdraw, or any ways fail in the true payment of ſuch ſmall tithes, offerings, oblations, obventions, or compoſitions as aforeſaid, by the ſpace of twenty days at moſt after demand thereof, then it ſhall and may be lawful for the perſon or perſons, to whom the ſame ſhall be due, to make his or their complaint in writing unto two or more of his Majeſty's juſtices of the peace within that county, riding, city, town corporate, place or diviſion where the ſame ſhall grow due; neither of which juſtices of peace is to be patron of the church or chapel whence the ſaid tithes do or ſhall ariſe, nor any ways intereſted in ſuch tithes, offerings, oblations, obventions or compoſitions aforeſaid.

Small tithes not paid in 20 days after demand,

lawful to complain to two juſtices, not intereſted,

II. And be it further enacted by the authority aforeſaid, That if hereafter any ſuit or complaint ſhall be brought to two or more juſtices of the peace as aforeſaid, concerning ſmall tithes, offerings, oblations, obventions or compoſitions as aforeſaid, the ſaid juſtices are hereby authorized and required to ſummon in writing under their hands and ſeals, by reaſonable warning, every ſuch perſon or perſons againſt whom any complaint ſhall be made as aforeſaid; and after his or their appearance, or upon default of their appearance, the ſaid warning or ſummons being proved before them upon oath, the ſaid juſtices of peace, or any two or more of them, ſhall proceed to hear and determine the ſaid complaint, and upon the proofs, evidences and teſtimonies, produced before them, ſhall, in writing under their hands and ſeals, adjudge the caſe, and give ſuch reaſonable allowance and compenſation for ſuch tithes, oblations and compoſitions ſo ſubſtracted or withheld, as they ſhall judge to be juſt and reaſonable, and alſo ſuch coſts and charges, not exceeding ten ſhillings, as upon the merits of the cauſe ſhall appear juſt.

who may ſummon the perſons complained of, and on default of appearance determine the complaint, and give allowance, with coſts not exceeding 10s.

III. And be it further enacted, That if any perſon or perſons ſhall refuſe or neglect, by the ſpace of ten days after notice given, to pay or ſatisfy any ſuch ſum of money, as upon ſuch complaint and proceeding ſhall by two or more juſtices of the peace be adjudged as aforeſaid, in every ſuch caſe the conſtables and churchwardens of the ſaid pariſh, or one of them, ſhall, by warrant under the hands and ſeals of the ſaid juſtices to them directed, diſtrain the goods and chattels of the party ſo refuſing or neglecting as aforeſaid, and after detaining them by the ſpace of three days, in caſe the ſaid ſum ſo adjudged to be paid, together with reaſonable charges for making and detaining the ſaid diſtreſs, be not tendred or paid by the ſaid party in the mean time, ſhall and may make publick ſale of the ſame, and pay to the party complaining ſo much of the money ariſing by ſuch ſale as may ſatisfy the ſaid ſum ſo adjudged, retaining to themſelves ſuch reaſonable charges for making and keeping the ſaid diſtreſs, as the ſaid juſtice ſhall think fit, and ſhall render the overplus (if any be) to the owner.

On refuſal to pay in 10 days after notice, the conſtables, &c. may diſtrain, and after 3 days ſell the ſame, and ſatisfy the ſum and charges, rendring the overplus.

IV. Pro-

IV. Provided always, and be it enacted, That it ſhall and may be lawful for all juſtices of peace, in the examination of all matters offered to them by this act, to adminiſter an oath or oaths to any witneſs or witneſſes, where the ſame ſhall be neceſſary for their information, and for the better diſcovery of the truth. Juſtices to adminiſter an oath.

V. Provided alſo, and be it enacted, That this act, or any thing herein contained, ſhall not extend to any tithes, oblations, payments or obventions within the city of *London*, or liberties thereof, nor to any other city or town corporate where the ſame are ſettled by any act of parliament in that caſe particularly made and provided. Not to extend to London, nor any place otherwiſe ſettled by parliament.

VI. Provided alſo, and be it enacted, That no complaint for or concerning any ſmall tithes, offerings, oblations, obventions or compoſitions hereafter due, ſhall be heard and determined by any juſtices of the peace, by virtue of this act, unleſs the complaint ſhall be made within the ſpace of two years next after the times that the ſame tithes, oblations, obventions and compoſitions did become due or payable; any thing in this act contained to the contrary notwithſtanding. No complaint to be heard, unleſs made within 2 years.

VII. Provided alſo, and be it enacted, That any perſon finding him, her or themſelves aggrieved, by any judgment to be given by any two juſtices of the peace, ſhall and may appeal to the next general quarter ſeſſions to be held for that county, riding, city, town corporate or diviſion, and the juſtices of the peace there preſent, or the major part of them, ſhall proceed finally to hear and determine the matter, and to reverſe the ſaid judgment, if they ſhall ſee cauſe; and if the juſtices then preſent, or the major part of them, ſhall find cauſe to confirm the judgment given by the firſt two juſtices of the peace, they ſhall then decree the ſame by order of ſeſſions, and ſhall alſo proceed to give ſuch coſts againſt the appellant, to be levied by diſtreſs and ſale of the goods and chattels of the ſaid appellant, as to them ſhall ſeem juſt and reaſonable; and no proceedings, or judgment had, or to be had by virtue of this act, ſhall be removed or ſuperſeded by virtue of any writ of *Certiorari*, or other writ out of his Majeſty's courts at *Weſtminſter*, or any other court whatſoever, unleſs the title of ſuch tithes, oblations, or obventions, ſhall be in queſtion; any law, ſtatute, cuſtom, or uſage to the contrary notwithſtanding. Perſons aggrieved to appeal to the ſeſſions, who are to determine the matter. If judgment be confirmed, juſtices to give coſts. No judgment to be removed, unleſs the title be in queſtion.

VIII. Provided always, and be it enacted, That where any perſon or perſons complained of for ſubſtracting or withholding any ſmall tithes, or other duties aforeſaid, ſhall before the juſtices of the peace to whom ſuch complaint is made, inſiſt upon any preſcription, compoſition, or *Modus decimandi*, agreement, or title, whereby he or ſhe is or ought to be freed from payment of the ſaid tithes, or other dues in queſtion, and deliver the ſame in writing to the ſaid juſtices of the peace, ſubſcribed by him or her, and ſhall then give to the party complaining reaſonable and ſufficient ſecurity, to the ſatisfaction of the ſaid juſtices, to pay all ſuch coſts and damages, as upon a trial at Perſons complained of, inſiſting on any compoſition, &c. and giving ſecurity to pay coſts, juſtices not to give judgment.

law

law to be had for that purpoſe, in any of his Majeſty's courts having cognizance of that matter, ſhall be given againſt him, her or them, in caſe the ſaid preſcription, compoſition, or *Modus decimandi*, ſhall not upon the ſaid trial be allowed; that in that caſe the ſaid juſtices of the peace ſhall forbear to give any judgment in the matter; and that then and in ſuch caſe the perſon or perſons ſo complaining ſhall and may be at liberty to proſecute ſuch perſon or perſons for their ſaid ſubſtraction in any other court or courts whatſoever, where he, ſhe, or they might have ſued before the making of this act; any thing in this act to the contrary notwithſtanding.

And complainant may proſecute in any other court.

Judgment to be inrolled at the next ſeſſions by the clerk of the peace,

IX. And be it further enacted by the authority aforeſaid, That every perſon and perſons, who ſhall by virtue of this act obtain any judgment, or againſt whom any judgment ſhall be obtained, before any juſtices of the peace out of ſeſſions, for ſmall tithes, oblations, obventions or compoſitions, ſhall cauſe or procure the ſaid judgment to be inrolled at the next general quarter ſeſſions to be holden for the ſaid county, city, riding or diviſion; and the clerk of the peace for the ſaid county, city, riding or diviſion, is hereby required upon tender thereof, to inroll the ſame; and that he ſhall not aſk or receive for the inrollment of any one judgment any fee or reward exceeding one ſhilling; and that the judgment ſo inrolled, and ſatisfaction made by paying the ſame ſum ſo adjudged, ſhall be a good bar to conclude the ſaid rectors, vicars and other perſons, from any other remedy for the ſaid ſmall tithes, oblations, obventions or compoſitions, for which the ſaid judgment was obtained.

and to bar vicars from any other remedy.

Perſons removing, juſtices may certify the judgment, and other juſtices by warrant may levy the ſum adjudged.

X. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, againſt whom any ſuch judgment or judgments ſhall be had as aforeſaid, ſhall remove out of the county, riding, city, or corporation, after judgment had as aforeſaid, and before the levying the ſum or ſums thereby adjudged to be levied, the juſtices of the peace who made the ſaid judgment, or one of them, ſhall certify the ſame, under his or their hands and ſeals, to any juſtice of peace of ſuch other county, city or place, wherein the ſaid perſon or perſons ſhall be inhabitants; which ſaid juſtice is hereby authorized and required, by warrant under his hand and ſeal, to be directed to the conſtables or churchwardens of the place, or one of them, to levy the ſum or ſums ſo adjudged to be levied, as aforeſaid, upon the goods and chattels of ſuch perſon or perſons, as fully as the ſaid other juſtices might have done, if he, ſhe or they had not removed as aforeſaid; which ſhall be paid according to the ſaid judgment.

Small tithes not to be recovered unleſs complaint be made before 1 October, 1696.

XI. Provided always, and be it enacted, That no vicar or other perſon ſhall have remedy to recover ſmall tithes, or other dues aforeſaid, which became or were due before the making of this act, unleſs complaint be made to the juſtices of the peace in form aforeſaid, before the firſt day of *October*, which

ſhall

ſhall be in the year of our Lord, one thouſand ſix hundred ninety ſix.

Juſtices may give coſts not exceeding 10s.

XII. And it is hereby declared and enacted, That the ſaid juſtices of the peace, who ſhall hear and determine any of the matters aforeſaid, ſhall have power to give coſts, not exceeding ten ſhillings, to the party proſecuted, if they ſhall find the complaint to be falſe and vexatious; which coſts ſhall be levied in manner and form aforeſaid.

If the plaintiff be nonſuit, perſon ſued to have double coſts.

XIII. Provided alſo, and be it further enacted, That if any perſon or perſons ſhall be ſued for any thing done in execution of this act, and the plaintiff in ſuch ſuit ſhall diſcontinue his action, or be nonſuit, or a verdict paſs againſt him, that then, in any of the ſaid caſes, ſuch perſon or perſons ſhall recover double coſts.

Suits for tithes not exceeding 40s. to have no benefit by this act.

XIV. Provided always, That any clerk, or other perſon or perſons, who ſhall begin any ſuit for recovery of ſmall tithes, oblations or obventions, not exceeding the value of forty ſhillings, in his Majeſty's court of *Exchequer*, or in any of the eccleſiaſtical courts, ſhall have no benefit by this act, or any clauſe in it, for the ſame matter for which he or they have ſo ſued.

Act to continue 3 years.

XV. Provided always, and be it further enacted, That this act ſhall continue for the ſpace of three years, and from thence to the end of the next ſeſſion of parliament, and no longer. *Made perpetual* 3 Ann. *c.* 18.

CAP. VII.

An act to prevent falſe and double returns of members to ſerve in parliament.

WHEREAS *falſe and double returns of members to ſerve in parliament are an abuſe of truſt in a matter of the greateſt conſequence to the kingdom, and not only an injury to the perſons duly choſen, by keeping them from their ſervice in the houſe of commons, and putting them to great expence to make their elections appear, but alſo to the counties, cities, boroughs, and cinque ports, by which they are choſen, and the buſineſs of parliament diſturbed and delayed thereby*; be it therefore enacted and declared by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all falſe returns wilfully made, of any knight of the ſhire, citizen, burgeſs, baron of the cinque ports, or other member to ſerve in parliament, are againſt law, and are hereby prohibited; and in caſe that any perſon or perſons ſhall return any member to ſerve in parliament for any county, city, borough, cinque port or place, contrary to the laſt determination in the houſe of commons, of the right of election in ſuch county, city, borough, cinque port or place, that ſuch return ſo made ſhall and is hereby adjudged to be a falſe return.

Falſe returns of members prohibited.

What ſhall be a falſe return.

Party grieved may ſue in any court at Weſt-

II. And be it further enacted, That the party grieved, to wit, every perſon that ſhall be duly elected to ſerve in parliament for

minſter, and recover double damages. 1 Lutw. 184.

for any county, city, borough, cinque port or place, by ſuch falſe return, may ſue the officers and perſons making or procuring the ſame, and every or any of them, at his election, in any of his Majeſty's courts of record at *Weſtminſter*, and ſhall recover double the damages he ſhall ſuſtain by reaſon thereof, together with his full coſts of ſuch ſuit.

The like remedy againſt an officer returning more perſons than required. 2 Geo. 2. c. 24.

III. And to the end the law may not be eluded by double returns, be it further enacted, That if any officer ſhall wilfully, falſly and maliciouſly, return more perſons than are required to be choſen by the writ or precept on which any choice is made, the like remedy may be had againſt him or them, and the party or parties that willingly procure the ſame, and every or any of them, by the party grieved, at his election.

Contracts made to procure returns void.

IV. And be it further enacted, That all contracts, promiſes, bonds and ſecurities whatſoever, hereafter made or given, to procure any return of any member to ſerve in parliament, or any thing relating thereunto, be adjudged void; and that whoever makes or gives ſuch contract, ſecurity, promiſe or bond, or any gift or reward, to procure ſuch falſe or double return, ſhall

Penalty.

forfeit the ſum of three hundred pounds; one third part thereof to be to his Majeſty, his heirs and ſucceſſors, another third part thereof to the poor of the county, city, borough or place concerned, and one third part thereof to the informer, with his coſts, to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint or information, wherein no eſſoin, protection, or wager of law, ſhall be allowed, nor any more than one imparlance.

Clerk of the crown to enter every return and amendment.

V. And for the more eaſy and better proof of any ſuch falſe or double return, be it enacted by the authority aforeſaid, That the clerk of the crown for the time being ſhall from time to time enter, or cauſe to be entred, in a book for that purpoſe to be kept in his office, every ſingle and double return of any member or members to ſerve in parliament, which ſhall be returned, or come into his office, or to his hands, and alſo every alteration and amendment, as ſhall be made by him or his deputy in

All perſons to have acceſs to the book, and the book, or a copy, may be given in evidence.

every ſuch return; to which book all perſons ſhall have free acceſs at all ſeaſonable times, to ſearch and take true copies of ſo much thereof as ſhall be deſired, paying a reaſonable fee or reward for the ſame: and that the party or parties proſecuting ſuch ſuit, ſhall and may at any trial give in evidence ſuch book ſo kept, or a true copy thereof, relating to ſuch falſe or double return, and ſhall have the like advantage of ſuch proof, as he or they ſhould or might have had by producing the record itſelf; any law, cuſtom or uſage to the contrary notwithſtanding.

Clerk not entring returns in 6 days after receipt making any alteration, or omitting to perform his duty,

And in caſe the ſaid clerk of the crown ſhall not within ſix days after any return ſhall come into his office, or to his hands, duly and fairly make an entry or entries as aforeſaid, or ſhall make any alteration in any return, unleſs by order of the houſe of commons, or give any certificate of any perſon not returned, or ſhall wilfully neglect or omit to perform his duty in the premiſſes, he ſhall for every ſuch offence forfeit to the party

and

and parties aggrieved the ſum of five hundred pounds, to be recovered as aforeſaid, and ſhall alſo forfeit and loſe his ſaid office, and be for ever incapable of having or holding the ſame. to forfeit 500l. and loſe his office.

VI. Provided always, That every information or action grounded upon this ſtatute ſhall be brought within the ſpace of two years after the cauſe of action ſhall ariſe, and not after. Information to be within 2 years.

VII. Provided alſo, and be it enacted by the authority aforeſaid, That this act ſhall continue for the term of ſeven years, and from thence to the end of the next ſeſſion of parliament, and no longer. *Further continued for* 11 *years by* 12 & 13 *W.* 3. c. 5. *and made perpetual by* 12 *Annæ, ſtat.* 1. *cap.* 15. Act to continue for 7 years.

CAP. VIII.

An act for taking, examining and ſtating the publick accounts. EXP.

CAP. IX.

An act for repairing the highways between the city of *London* and the town of *Harwich* in the county of *Eſſex*. Act to continue 15 years, unleſs roads be ſooner amended. EXP.

CAP. X.

An act for continuing ſeveral duties granted by former acts upon wine and vinegar, and upon tobacco, and Eaſt India *goods, and other merchandize imported, for carrying on the war againſt* France.

Moſt gracious Sovereign,

WE your Majeſty's moſt dutiful ſubjects, the commons in parliament aſſembled, for a further ſupply to your Majeſty, for the more effectual proſecuting the preſent war againſt *France*, have cheerfully and unanimouſly given and granted unto your Majeſty the impoſitions and duties hereafter mentioned, for and during the reſpective terms hereafter expreſſed, and do beſeech your Majeſty to accept thereof, and that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſeveral impoſitions and duties upon wines and vinegar, granted by an act made in the firſt year of the reign of the late King *James* the Second, intituled, *An act for granting his Majeſty an impoſition upon all wines and vinegar, imported between the four and twentieth day of* June, *one thouſand ſix hundred eighty and five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety three*; which ſaid act by an act of parliament made in the ſecond year of the reign of his Majeſty and the late Queen (of bleſſed memory) was continued from the three and twentieth day of *June*, one thouſand ſix hundred ninety three, until the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, and by another act of parliament made in the fourth and fifth years of their reign, was further continued from the three and twentieth day of *June*, one thouſand ſix hundred ninety ſix, until the four and twentieth day of *June*, one thouſand ſix hundred ninety

Further continued by 8 Annæ, c. 13. *and made perpetual by* 9 Annæ, c. 21. ſ. 1.

1 Jac. 2. c. 3.

2 W. & M. ſ. 2. c. 5.

4 & 5 W. & M. c. 15.

ninety eight, ſhall be continued from the three and twentieth day of *June*, one thouſand ſix hundred ninety eight, until the nine and twentieth day of *September*, which ſhall be in the year of our Lord one thouſand ſeven hundred and one, and no longer; and that the ſaid firſt mentioned act, and all powers, proviſions, penalties, articles, and clauſes, therein contained, ſhall continue and be of full force and effect, until the ſaid nine and twentieth day of *September*, one thouſand ſeven hundred and one, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying, the ſaid duties hereby continued, according to the tenor and intent of this preſent act, as fully to all intents and purpoſes, as if all and every the clauſes, matters, and things, in the ſaid act contained, had been again repeated in this act, and particularly enacted.

Duties on wines and vinegar continued to 29 Sept. 1701.

II. And be it further enacted by the authority aforeſaid, That the rates, duties, and impoſitions, for all ſorts of tobacco, granted by an act made in the firſt year of the reign of the ſaid late King *James*, intituled, *An act for granting to his Majeſty, an impoſition upon all tobacco and ſugar imported, between the four and twentieth day of* June, *one thouſand ſix hundred eighty five, and the four and twentieth day of* June, *one thouſand ſix hundred ninety three*; which ſaid act, as for and concerning the ſaid duties and impoſitions on tobacco only, by an act of parliament made in the ſecond year of the reign of his Majeſty and the ſaid late Queen, was continued from the three and twentieth day of *June*, in the ſaid year one thouſand ſix hundred ninety three, until the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, and by another act made in the fourth and fifth years of their ſaid Majeſties reign, was continued from the three and twentieth day of *June*, one thouſand ſix hundred and ninety ſix, until the four and twentieth day of *June*, one thouſand ſix hundred ninety eight, ſhall be continued from the three and twentieth day of *June*, one thouſand ſix hundred ninety eight, until the ſaid nine and twentieth day of *September*, in the year of our Lord one thouſand ſeven hundred and one, and no longer.

1 Jac. 2. c. 4.

Duty on tobacco continued to 29 Sept. 1701.

2 W. & M. ſſ. 2. c. 5.

4 & 5 W. & M. c. 15.

III. Provided always, and be it declared and enacted by the authority aforeſaid, That the ſaid duties upon tobacco, which were granted by the ſaid act made in the firſt year of the reign of the ſaid late King *James*, and continued, as aforeſaid, and which by the ſaid acts were made payable by the firſt buyer, and ſubject to the rules of exciſe, in the ſeveral parts of management thereof, ſhall, for all ſuch tobacco as ſhall be imported between the firſt day of *May*, one thouſand ſix hundred ninety ſix, and the ſaid nine and twentieth day of *September*, one thouſand ſeven hundred and one, be ſecured, collected, raiſed, levied, anſwered, and paid to his Majeſty, according to the true intent and meaning of this preſent act, in the method herein after particularly directed, and with ſuch diſcount and allowances to the merchants as are herein alſo mentioned, and

How to be paid. 1 Jac. 2 c. 4.

no

no otherwiſe; any thing in the ſaid former acts to the contrary notwithſtanding: and that the commiſſioners of his Majeſty's cuſtoms for the time being, or any four or more of them, be authorized and impowered, and the ſaid commiſſioners of the cuſtoms, or any four or more of them for the time being, are hereby authorized and impowered to give the neceſſary directions for ſecuring, collecting, raiſing, levying, anſwering, and paying, to his Majeſty, the ſaid duties upon tobacco, and to make the diſcount and allowances to the merchants herein after mentioned, for all ſuch tobacco as ſhall be imported between the ſaid firſt day of *May*, in the year of our Lord one thouſand ſix hundred ninety ſix, and the ſaid nine and twentieth day of *September*, one thouſand ſeven hundred and one, in the ſame manner and form, and by ſuch rules, means, or ways, and under ſuch penalties and forfeitures, as are mentioned and expreſſed in one act of parliament made in the twelfth year of the reign of King *Charles* the Second, intituled, *A ſubſidy granted to the King of tunnage and poundage, and other ſums of money, payable upon merchandize exported and imported*, and the rules, directions, and orders, thereunto annexed, or any other law now in force, relating to the collection of his Majeſty's cuſtoms; which ſaid act and acts, and every article, rule, and clauſe, therein contained, ſhall ſtand and be in force for the purpoſes aforeſaid, during the continuance of this act. 12 Car. 2. c. 4.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral additional and other rates, impoſitions, duties, and charges, upon the ſeveral ſorts of goods and merchandizes, granted by an act of parliament made in the ſaid ſecond year of their ſaid Majeſties reign, intituled, *An act for granting to their Majeſties certain impoſitions upon all* East India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the five and twentieth day of* December, *one thouſand ſix hundred and ninety*, and which were thereby to have continuance until the tenth day of *November*, one thouſand ſix hundred ninety five, and by another act made in the fourth and fifth years of their ſaid Majeſties reign, were continued from the ninth day of *November*, one thouſand ſix hundred ninety five, until the tenth day of *November*, one thouſand ſix hundred ninety ſeven, ſhall be further continued from the ninth day of *November*, one thouſand ſix hundred ninety ſeven, until the nine and twentieth day of *September*, one thouſand ſeven hundred and one; and that the ſaid act, intituled, *An act for granting to their Majeſties certain impoſitions upon all* East India *goods and manufactures, and upon all wrought ſilks, and ſeveral other goods and merchandize, to be imported after the ſaid five and twentieth day of* December, *one thouſand ſix hundred and ninety*, and all powers, proviſions, penalties, articles, and clauſes, therein contained, ſhall continue and be of full force and effect, until the ſaid nine and twentieth day of *September*, and ſhall be applied, practiſed, and executed, for the raiſing, levying, collecting, anſwering, and paying, the ſaid

2 W. & M. ſ. 2. c. 4. Additional impoſitions on East India Goods, &c. continued to 29 Sept. 1701. 4 & 5 W. & M. c. 15. 2 W. & M. ſ. 2. c. 4. to continue in force. 2 W. & M ſ. 2. c. 4.

duties hereby continued, according to the tenor and intent of this preſent act, as fully, to all intents and purpoſes, as if the ſaid laſt mentioned act, and all and every the clauſes, matters, and things, therein contained, had been again repeated in this act, and enacted particularly, except only as to ſuch part of the ſaid acts, touching which other proviſions or alterations are made by any act or acts of parliament now in being, which other proviſions or alterations are to be obſerved, and to continue during the continuance of this act.

Exception.

V. *And whereas the methods preſcribed by the ſaid recited act, granting the ſaid duties upon tobacco, made in the firſt year of the late King* James *the Second, have been found prejudicial to trade, and grievous to the merchants concerned in paying the ſame:* Therefore, for the more eaſy and better collection of the ſaid duties for the future, be it enacted by the authority aforeſaid, That the ſecurity to be given for the ſaid duties upon tobacco be by bond to be given by the importer thereof, with one or more ſufficient ſureties, for payment of the duty at the end of eighteen months from the importation, and that there be a diſcount of ten *per centum*, for prompt payment of the ſaid impoſt duty, if the ſame ſhall be paid within three months from the date of the entry, and of eight *per centum* at any time afterwards within ſix months from the ſame, of ſix *per centum* if within nine months, of four *per centum* if within twelve months, of two *per centum* if within fifteen months; but after fifteen months expired, there ſhall be no diſcount at all; that on any payment of the ſaid duty for tobacco to be conſumed here, there be an allowance for the future of eight pounds *per centum*, for the merchants encouragement, in conſideration of waſte and ſhrinkage in the cellars; that the ſecurity given by the importers for eighteen months be diſcharged by debentures referring to the particular entries on exportations, at any time within twelve months from the importation, and not after that time; that there ſhall be an allowance of four pounds *per centum*, in conſideration of waſte that may ariſe on any tobacco ſo exported, to be ſtruck off only from the entry, and not to be paid where the whole quantity entered ſhall happen to be exported; that the debentures for half ſubſidy, additional and impoſt duties of the ſame quantity of tobacco exported be one or more parchment or parchments, and that the oath be printed thereon *in hæc verba*, to be ſigned and ſworn by the exporters, That all the tobacco entred and ſhipped, as there certified, is really and truly exported for parts beyond the ſeas on his own account, if he acts for himſelf; or if he acts by commiſſion, then on the account of ſuch perſon or perſons for whom the deponent acts in the direction of the voyage; and that none of the ſaid tobacco has been ſince landed, or is intended to be re-landed, in *England*, *Wales*, or town of *Berwick* upon *Tweed*.

1 Jac. 2. c. 4.

Importer to give ſecurity for the duties on tobacco.

Diſcount on prompt payment.

2l. per cent. allowed for waſte and ſhrinkage.

See 7 Geo. 1. ſtat. 1. c. 21. ſ. 10, & 11.

4l. per cent. allowed for waſte of tobacco.

VI. And be it further enacted by the authority aforeſaid, That the whole management or ordering of the ſaid duties on tobacco, both as to the entry and the account thereof, be made during the continuance of this act (except where it is otherwiſe hereby

Management of duties on tobacco.

hereby directed) conformable to the methods and rules of the cuſtoms.

VII. *And whereas by the act of parliament made in the fourth and fifth years of their ſaid Majeſties reign, intituled,* An act for continuing certain acts therein mentioned, and for charging ſeveral joint ſtocks, *a credit was given for borrowing any ſums, not exceeding five hundred thouſand pounds, as well upon the ſecurity of that act, as of the ſeveral other acts therein before mentioned; in purſuance whereof ſeveral ſums, amounting to five hundred thouſand pounds, were actually lent at the receipt of* Exchequer, *and part thereof doth ſtill remain unſatisfied*; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to advance and lend unto his Majeſty, upon the ſecurity of the impoſitions and duties ariſing by this act, and alſo upon ſecurity of the impoſitions and duties, which from and after the repayment of the ſaid ſum of five hundred thouſand pounds, borrowed as aforeſaid, and the intereſt thereof, ſhall ariſe by the ſaid act made in the fourth and fifth years of their ſaid Majeſties reign, any ſum or ſums, not exceeding in the whole the ſum of fifteen hundred thouſand pounds, to be ſupplied out of ſuch impoſitions, or other duties, as are before mentioned; and that tallies of loan ſhall be levied for all and every ſum and ſums of money ſo to be lent; and that orders, according to the courſe of the *Exchequer*, ſhall be drawn, ſigned, and iſſued, for the repayment of the ſame, and for payment of intereſt, for the forbearance of every ſuch ſum of money; which intereſt ſhall not exceed the rate of five pounds *per centum per annum*, for the firſt four hundred thouſand pounds; ſix pounds *per centum per annum*, for the ſecond four hundred thouſand pounds; ſeven pounds *per centum per annum*, for the third four hundred thouſand pounds, and eight pounds *per centum per annum*, for the remaining three hundred thouſand pounds; and ſhall be payable every three months, from the reſpective dates of the tallies of loan, until the ſatisfaction of the reſpective principal ſums,

4 & 5 W. & M. c. 15.

Perſons may lend 1,500,000l. on this act, &c.

and have tallies and orders for repayment, with intereſt, &c.

VIII. And to the end that all monies, which ſhall be ſo lent unto his Majeſty, may be well and ſufficiently ſecured out of the impoſitions and duties ariſing and payable by this act, and alſo out of the impoſitions and duties, which, from and after the repayment of the ſaid principal money borrowed, as aforeſaid, and the intereſt thereof, ſhall ariſe by the ſaid act made in the fourth and fifth years of their Majeſties ſaid reign, ſhall be reſpectively anſwered and paid; be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in his Majeſty's *Exchequer*, that is to ſay, in the office of the auditor of receipts, one book or regiſter, in which all monies, that ſhall be lent into the *Exchequer* by virtue of this act, ſhall be entred and regiſtred apart and diſtinct from all monies paid or payable to his Majeſty upon any other branch of his Majeſty's revenue, or any other account whatſoever; and that all and every perſon and perſons, natives or foreigners, bodies politick and

A regiſter to be kept of all monies lent on this act.

Lender to have a talley and order with intereſt.

and corporate, who ſhall lend any money to his Majeſty upon the aforeſaid credit, and pay the ſame into the receipt of *Exchequer*, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his or their repayment, bearing the ſame date with the talley; in which order ſhall be alſo contained a warrant for payment of intereſt for forbearance, after the rate ſo to be allowed for the ſame, ſo as ſuch intereſt do not exceed the rates before mentioned, to be paid every three months, until repayment of the principal; and that all orders for repayment of money ſhall be regiſtred in courſe, according to the date of the talley reſpectively, without preference of one before another; and that all and every perſon and perſons, natives or foreigners, bodies politick and corporate, ſhall be paid in courſe, according as their orders ſhall ſtand entred in the regiſter book, ſo as that the perſon or perſons, bodies politick or corporate, who ſhall have his or their order or orders firſt entred in the ſaid book of regiſter, ſhall be taken and accounted as the firſt to be paid upon the monies to come in by virtue of this act, or any the before mentioned acts, from and after the repayment of the ſaid ſum of five hundred thouſand pounds, borrowed as aforeſaid, and the intereſt thereof; and he or they, who ſhall have his or their order or orders next entred, ſhall be taken and accounted the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the monies to come in by this act or the ſaid former acts, ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective parties, their executors, adminiſtrators, ſucceſſors, or aſſigns, reſpectively, without preference of one before another, and not otherwiſe, and not to be divertible to any other uſe, intent, or purpoſe whatſoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of his Majeſty's ſubjects, for providing or making of any ſuch books, regiſters, entries, views, or ſearch, in or for payment of money lent, or the intereſt as aforeſaid, by any of his Majeſty's officer or officers, their clerks or deputies, upon payment of treble damages to the party grieved by the party offending with coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made, either in point of regiſtry, or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt, damages, and coſts, to the party grieved, and ſhall be forejudged from his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after uncapable of his place or office: and in caſe the auditor ſhall not direct the order, or the clerk of the pells record, or the teller make payment, according to each perſon's due place and order, as afore directed, then he or they ſhall be judged to forfeit, and their reſpective deputies and

Orders to be regiſtred and paid in courſe,

without undue preference, and not divertible.

No fee to be taken for regiſtring or ſearching, &c.

Penalty on officer for making undue entry or payment, &c.

and clerks herein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid. All which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any of the officers of the *Exchequer*, or any their deputies or clerks, ſhall or may be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint, ſhall be in any wiſe granted or allowed.

Penalties how to be recovered.

IX. Provided always, and be it hereby declared, That if it happen that ſeveral tallies of loan, or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe he enters firſt, ſo he enters them all the ſame day,

No undue preference where tallies are dated the ſame day,

X. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their money, and bring their orders, before other perſons that did not come to demand their money, and bring their orders, in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed, but kept for them, intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them,

or where money is reſerved for payment.

Intereſt to ceaſe from that time.

XI. And be it further enacted by the authority aforeſaid, That every perſon or perſons, natives or foreigners, bodies politick and corporate, to whom any monies ſhall be due by virtue of this act, after order entred in the book of regiſter for payment thereof, his or their executors, adminiſtrators, or aſſigns, by indorſement of his or their order, may aſſign or transfer his or their right, title, intereſt, and benefit of ſuch order, or any part thereof, to any other, which being notified in the office of the auditor of receipts aforeſaid, and an entry or memorial thereof alſo made in the book of regiſter aforeſaid for orders (which the officers ſhall, upon requeſt, without fee or charge accordingly make) ſhall intitle ſuch aſſignee, his executors, adminiſtrators, and aſſigns to the benefit thereof, and payment thereon: and ſuch aſſignee may in like manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons, bodies politick or corporate, who have or hath made ſuch aſſignments, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof.

Orders entred may be aſſigned.

Aſſignee may aſſign again.

XII. *And whereas great frauds and abuſes have been and are daily committed, to the prejudice of his Majeſty's revenue, by pretence or colour of exporting tobacco and other goods by land carriage into* Scotland, *and obtaining debentures for the ſame, although in truth ſuch goods have not been really exported, or if exported, have been again clandeſtinely returned into this kingdom, which practice is hardly poſſible to be prevented upon the borders:* It is hereby further enacted, That

No debentures allowed but according to the book of rates, and the ſhipping teſtified.

That from and after the five and twentieth day of *March*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix, no debentures ſhall be allowed for any goods pretended to be exported, but for ſuch only as ſhall, according to the ſecond rule annexed to the book of rates, be ſhipt for tranſportation, and the ſhipping thereof teſtified by his Majeſty's ſearcher and under ſearcher in the port of *London*, or the ſearcher of any of the out ports reſpectively, and all the other requiſites of the ſaid rule duly performed.

4 & 5 W. & M. c. 5.

XIII. *And whereas by a late act, intituled*, An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandizes, *the ſum of twenty ſhillings is impoſed on every tun of* lapis calaminaris *exported from and after the firſt day of* May, *one thouſand ſix hundred ninety two, which is found by experience to hinder the exportation thereof, and utterly to ruin the manufacture:* wherefore, for remedy thereof, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of *March*, one thouſand ſix hundred ninety ſix, the ſum of two ſhillings only ſhall be paid for every tun of *lapis calaminaris* exported, over and above the rates thereon charged by the book of rates, the ſaid act or any thing therein contained to the contrary notwithſtanding, to be collected as in and by the ſaid act is directed and appointed.

Lapis calaminaris to pay only 2s. per tun above the rates in the book.

8 & 9 W. 3. c. 20. ſ. 9. 1 Annæ, ſtat. 1. c. 13. ſ. 9.

English ſail-cloth to have preference.

XIV. And for the encouragement of ſuch perſons as ſhall make ſail-cloth in *England*, be it enacted by the authority aforeſaid, That ſo much of *Engliſh* made ſail-cloth as ſhall be found fit for the ſervice of his Majeſty's navy, ſhall have the preference of all foreign ſail-cloth; and the commiſſioners of the navy are hereby directed and required from time to time, during the continuance of this act, to contract and agree for ſuch *Engliſh* made ſail-cloth, and to allow the makers and manufacturers thereof a recompence of two pence *per* yard for the ſame, above what they pay for foreign cloth of equal ſtrength aad goodneſs.

Makers to have 2d. per yard more. *Made perpetual* 9 Annæ, c. 21.

XV. *And whereas by reaſon of great loſſes befallen traders during the preſent war, many perſons, who are debtors to the King for new impoſt or additional duties of goods already imported, have been forced to abſcond, but yet are willing to pay what they are able*; be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the lords commiſſioners of the treaſury, or any three or more of them, or the lord treaſurer for the time being, according to their diſcretion, to compound with ſuch perſon or perſons as have ſuſtained great loſſes by the preſent war, and have been forced to abſcond, for any monies by them or any of them due or owing for new impoſt or additional duties, or any bond or bonds given for ſecuring of new impoſt or additional duties, although ſuch impoſition or duty on which the debts owing by ſuch perſon or perſons are appropriated to particular uſes, ſo as this power ſhall not extend to any ſuch debts contracted, or bonds given, after the firſt day of *February*, one thouſand ſix hundred ninety five; any thing in any former act or acts of parliament to the contrary notwithſtanding.

Perſons not able to pay the new impoſts, may compound.

XVI. *And*

XVI. *And whereas ſeveral merchants trading with the* United Provinces *in ſeveral ſorts of coarſe linnens, commonly called* borelapps, *have of late been compelled to pay cuſtom for the ſame as* Hollands, *which comes to above thirty five pounds* per centum, *whereby the ſaid trade (ſo uſeful to the poorer ſort of people) is not only likely to be loſt, but the cuſtoms thereby much abated:* be it therefore enacted by the authority aforeſaid, That all ſuch linen cloth, known or commonly called by the name of *borelapps*, not exceeding twenty eight inches and an half in breadth, nor twelve pence an *Engliſh* ell in value, ſhall be entred *ad valorem* during the continuance of this act, and pay all other duties accordingly. Linen cloth called borelapps to be entred ad valorem, and pay the duties.

XVII. *And whereas the ſcarcity and dearneſs of iron in this kingdom have of late much diſcouraged the manufactures thereof, in which great numbers of the poor are employed:* for remedy whereof for the future be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to import into this kingdom, from *Ireland*, any bar-iron, unwrought, and iron ſlit or hammered into rods (other than *Suediſh* or other foreign iron) diſcharged of the impoſitions and duties laid upon the ſame by an act made in the fourth and fifth year of the reign of their Majeſties King *William* and Queen *Mary*, intituled, *An act for granting to their Majeſties certain additional impoſitions upon ſeveral goods and merchandizes, for the proſecuting the war againſt* France; any thing in the ſaid act to the contrary notwithſtanding. Bar-iron unwrought, &c. may be imported from Ireland, and diſcharged of the duties in 4 & 5 W. & M. c. 5. & 8 W. 3. c. 20. ſ. 10.

XVIII. And for preventing the further increaſe of the rate of coined gold, and the miſchiefs which may thence befall this realm, be it enacted by the authority aforeſaid, That from and after the five and twentieth day of *March*, one thouſand ſix hundred ninety ſix, no perſon ſhall receive, take, or pay, any of the pieces of gold coin of this kingdom, commonly called *Guineas*, at any greater or higher rate than twenty ſix ſhillings, for each guinea, and not to exceed the ſame in proportion for the pieces of gold called *half-guineas*, *double-guineas*, and *five-pound pieces*; and in caſe any perſon ſhall offend herein, he ſhall forfeit for every ſuch offence double the value of the gold ſo received or paid, and alſo the ſum of twenty pounds; the one moiety to his Majeſty, and the other moiety to the perſon or perſons who ſhall ſue or inform for the ſame, to be recovered with coſts of ſuit, in any of his Majeſty's courts of record, by action of debt, bill, plaint, or information, wherein no privilege, protection, or wager of law, ſhall be allowed, nor any more than one imparlance. And be it declared, That nothing in this act contained ſhall extend, or be conſtrued to compel any perſon or perſons to receive any guinea or guineas at the ſaid rate of twenty ſix ſhillings. Rates of gold coin eſtabliſhed. Guineas. Half-guineas. Double guineas. 5l. pieces. Penalty. None compelled to take guineas at 26s.

XIX. And be it further enacted by the authority aforeſaid, That from and after the laſt day of *February*, one thouſand ſix hundred ninety five, it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, bodies politick or corporate, to advance and lend to his Majeſty, at the receipt of his *Exchequer*, upon credit of the monies to be contributed or Loan upon credit of the monies for annuities.

advanced for annuities, by the act made and paſſed in this preſent parliament, holden in the ſeventh year of his Majeſty's reign, intituled, *An act for enlarging the times to come in and purchaſe certain annuities therein mentioned, and for continuing the duties formerly charged on low wines or ſpirits of the firſt extraction, for carrying on the war againſt* France, any ſum or ſums of money, as, together with the whole value, or amount of all the ſums of money which have been or ſhall, before the ſaid laſt day of *February*, be contributed or advanced for annuities on the ſaid act, ſhall not exceed the ſum of three hundred eighty two thouſand four hundred ſixty nine pounds; and tallies of loan ſhall be levied for the ſame, and orders for repayment ſhall be drawn for the principal monies ſo to be lent, and for intereſt thereof not exceeding the rate of ſix pounds *per centum per annum*; which ſaid orders ſhall be aſſignable and transferrable from one perſon to another.

7 & 8 W. 3. c. 2.

Tallies of loan, and orders.

Intereſt at 6l. per cent.

XX. And it is hereby enacted, That all and every ſum and ſums of money ſo to be lent, in order and courſe, according to the time of lending the ſame, and the intereſt thereof, not exceeding the ſaid rate of ſix pounds *per centum per annum*, to be paid every three months, until ſatisfaction of the principal, ſhall be payable and ſatisfied unto the reſpective lender or lenders of the ſame, his, her, or their executors, adminiſtrators, or aſſigns, out of the monies which from and after the ſaid laſt day of *February*, ſhall ariſe and be brought into the Exchequer, upon the act laſt mentioned, by or for contribution or conſideration monies for the annuities before mentioned, ſo far as the ſame will extend; and the monies ſo ariſing by or for contributions as aforeſaid, ſhall be applied to the ſatisfaction of the principal monies to be lent in courſe, and the ſaid intereſt thereof, and not to be diverted or divertible to any other uſe, except only ſuch part of the ſaid contributions or conſideration monies, as by any other act of this preſent ſeſſion of parliament (if any ſuch be) may be directed to be applied to the payment of principal, intereſt, and reward for milled, broad, or unclipt monies, to be lent upon the credit of the contribution or conſideration monies aforeſaid; and in caſe the monies ſo ariſing by contributions ſhall not be ſufficient for the paying of the ſaid loans, and the intereſt thereof, then the ſaid loans, which ſhall remain unſatisfied, and the intereſt of the ſame, ſhall be paid and ſatisfied out of the then next aids or ſupplies to be granted to his Majeſty in parliament, and ſhall be transferred or transferrable thereunto, as ſoon as any ſuch aid or ſupply ſhall be granted to his Majeſty; and if no ſuch aids or ſupplies ſhall be granted to his Majeſty before the ſecond day of *February*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix, then the ſaid ſum and ſums of money, ſo to be borrowed, not exceeding as aforeſaid, and the intereſt thereof, ſhall be payable, and be paid and ſatisfied to the ſaid lender or lenders, his, her, or their executors, adminiſtrators, or aſſigns, reſpectively, by and out of any of his Majeſty's treaſure, which from thenceforth ſhall come

To be paid every 3 months.

Monies lent not divertible.

Exceptions.

Loans and intereſt unſatisfied to be paid out of the next aids,

ome into, be or remain in the receipt of his Majeſty's *Exche-* or out of the
uer, not being already appropriated to any particular uſes by King's treaſure.
ıny act or acts of parliament before this time made; and that
he monies ſo to be lent on the credit laſt mentioned, ſhall not
ɔe taxed or charged to any tax or aid whatſoever; and that no Monies lent not to be taxed, nor fees taken.
ees or gratuities ſhall be demanded or taken in the *Exchequer*,
or the making or repaying of the loans laſt mentioned, or for
he intereſt thereof, and no undue preference ſhall be given in
he repayment of the ſame loans, under the like penalties to be
ncurred by the officers or clerks in the *Exchequer* reſpectively,
or the demanding or taking of ſuch fees or gratuities, or for the No undue preference in repayment.
giving of ſuch undue preference, as are preſcribed in and by an
act of this preſent ſeſſion of parliament, *For granting to his Ma-*
jeſty an aid of four ſhillings in the pound, for taking or demanding
of any fees or gratuities, or for giving any undue preference, in
reſpect of the loans authorized to be made upon credit of the
ſaid aid of four ſhillings in the pound.

CAP. XI.

An act for impowering his Majeſty to apprehend and detain ſuch perſons as he ſhall find cauſe to ſuſpect are conſpiring againſt his Royal Perſon or government. EXP.

WHEREAS *there has been a moſt horrid, barbarous and deteſtable conſpiracy formed and carried on by papiſts and other wicked and traiterous perſons, for aſſaſſinating his Majeſty's royal perſon, in order to the encouraging an intended invaſion from* France, *to the utter ruin and ſubverſion of the proteſtant religion, and the laws and liberties of this kingdom: wherefore for the better preſervation of his Majeſty's ſacred perſon, and for ſecuring the peace of this kingdom in this time of imminent danger, againſt all attempts and traiterous conſpiracies of evil diſpoſed perſons*, &c.

CAP. XII.

An act for relief of poor priſoners for debt or damages. EXP. 22 & 23 Car. 2. c. 20. 30 Car. 2. ſtat. 1. c. 7. 2 W. & M. ſſ. 2. c. 15.

CAP. XIII.

An act for taking off the obligation and encouragement for coining of guineas for a certain time therein mentioned. Rep. 8 W. 3. c. 1.

CAP. XIV.

An act for making navigable the rivers of Wye and Lugg in the county of Hereford.

The rivers Wye and Lugg to be deemed common for carrying of goods. Powers veſted in the commiſſioners in truſt for the inhabitants of the county of Hereford. The directions in the act 13 & 14 Car. 2. to be obſerved. Wears to be pulled down, making ſatisfaction to the owners. Commiſſioners, or any ſeven, may examine on oath; ſettle the yearly value of wears, &c. and proportion the purchaſe money. Commiſſioners decrees to be binding, and preſerved upon record. Money to be levied on the county of Hereford. How to be aſſeſſed. Sum not to exceed 377 l. 4 s. 5 d. per menſem. County and city of Hereford, and borough of Leominſter, to be aſſeſſed 4,526 l. 13 s. 1 d. per annum, as the commiſſioners ſhall direct. Commiſſioners of the land tax 7 W. 3. c. 5. to be commiſſioners for the ſaid aſſeſſments. Commiſſioners power. Collectors allowances. Commiſſioners to meet, and put the act in execution.

And

And to nominate a receiver general, who ſhall give ſecurity, and account for money received. Regiſter to deliver a copy of orders and accounts at Michaelmas ſeſſions. Commiſſioners may build warehouſes with ſurplus monies. Cuſtos Rotulorum of the county of Hereford to have account of monies diſburſed. Commiſſioners to have the ſame power for cleanſing the ſaid rivers, as any commiſſioners of ſewers. A regiſter and other officers to be appointed. Monthly ſum to continue from 24 June, 1696, to 24 June, 1700. Truſtees may borrow 16,000 l. at 4 l. per cent. Right of fiſhing reſerved. Earl of Kent, &c. to make and maintain a new lock on the river at or near to New Wear, and build a houſe for a perſon to live in, to keep the ſaid lock, and to allow him 10 l. per annum. Ten yards of New Wear to be taken 12 inches lower than the loweſt part thereof. Snares, nets, &c. not to be laid. In caſe of omiſſion or neglect for 7 months after 25 March, 1696. Truſtees may employ workmen to do the ſame, and repair the lock, in caſe of omiſſion after four weeks notice. In caſe of non performance, to levy by diſtreſs on the ſaid farm, with coſts. No privilege to be allowed. Truſtees not to pull down the iron-mill or wear. If the earl of Kent removeth the wear and lock, obligation to ceaſe. Tenants, &c. hindering boats, or deſtroying the fiſh, to forfeit 100 l. if ſued in ſix months. Grants made by the earl of Kent, &c, of fiſhing in the ſaid river after 24 June, 1696, to be void.

CAP. XV.

An act for the continuing, meeting, and ſitting of a parliament, in caſe of the death or demiſe of his Majeſty, his heirs and ſucceſſors.

4 Ann. c. 8. ſ. 4. 6 Ann. c. 7. ſ. 4.

WHEREAS *this kingdom of* England *may be expoſed to great dangers, by the invaſion of foreigners, or by the traiterous conſpiracies of wicked and ill diſpoſed perſons, whenever it ſhall pleaſe God to afflict theſe realms by the death of our gracious ſovereign King* William *(whom God long preſerve) or by the death of any of his heirs and ſucceſſors, before a parliament can be ſummoned and called by the next heir and ſucceſſor to the crown:* for prevention whereof be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That this preſent parliament, or any other parliament, which ſhall hereafter be ſummoned and called by his Majeſty King *William*, his heirs and ſucceſſors, ſhall not determine or be diſſolved by the death or demiſe of his ſaid Majeſty, his heirs and ſucceſſors; but ſuch parliament ſhall, and is hereby enacted to continue, and is hereby impowered and required immediately to meet, convene and ſit, and to act, notwithſtanding ſuch death or demiſe, for and during the time of ſix months, and no longer, unleſs the ſame ſhall be ſooner prorogued or diſſolved by ſuch perſon who ſhall be next heir to the crown of this realm of *England* in ſucceſſion, according to an act of parliament made in the firſt year of the reign of King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown:* and if the ſaid parliament ſhall be ſo prorogued, then it ſhall meet and ſit on and upon the day unto which it ſhall be prorogued, and continue for the reſidue of the ſaid time of ſix months, unleſs ſooner prorogued or diſſolved as aforeſaid.

Parliament to ſit for 6 months after the King's death, unleſs ſooner diſſolved by the ſucceſſor.

1 W. & M. ſt. 2. c. 2.

II. And

II. And it is hereby further enacted by the authority aforeſaid, That in caſe there ſhall be no parliament in being, at the time of the death or demiſe of his Majeſty, or any of his heirs and ſucceſſors, then the laſt preceding parliament ſhall immediately convene and ſit, and is hereby impowered and required to act as aforeſaid, to all intents and purpoſes, as if the ſaid parliament had never been diſſolved. In caſe of no parliament, the laſt preceding to act.

III. Provided always, and it is hereby declared, That nothing in this act contained ſhall extend, or be conſtrued to extend to alter or abridge the power of the King, his heirs and ſucceſſors, to prorogue or diſſolve parliaments, nor to repeal or make void one act of parliament made in the ſixth and ſeventh years of the reign of his preſent Majeſty King *William*, intituled, *An act for the frequent meeting and calling of parliaments*, but that the ſaid act ſhall continue in force in every thing that is not contrary to, or inconſiſtent with, the directions of this act. Act not to abridge the King's power to prorogue or diſſolve parliaments. 6 & 7. W. 3. c. 2.

CAP. XVI.

An act for raiſing the militia of this kingdom for the year one thouſand ſix hundred ninety ſix, although the month's pay formerly advanced be not repaid. EXP. 13 & 14 Car. 2. c. 3.

CAP. XVII.

An act to continue four former acts for preventing theft and rapine upon the Northern borders of England.

WHEREAS *an act was made in the thirteenth and fourteenth years of the reign of our late ſovereign lord King* Charles *the Second, intituled,* An act for preventing of theft and rapine upon the Northern borders of *England: and whereas alſo another act was made in the eighteenth year of the ſaid King, intituled,* An act to continue a former act to prevent theft and rapine upon the Northern borders of *England: both which acts were continued by another act made in the twenty ninth and thirtieth years of the reign of the ſaid late King, intituled,* An act for continuance of two former acts for preventing of theft and rapine upon the Northern borders of *England, for and during the ſpace and time of ſeven years, and alſo from thence until the end of the firſt ſeſſion of the then next parliament: and whereas the three afore-mentioned acts were continued by another act made in the firſt year of the reign of the late King* James *the Second, intituled,* An act for continuance of three former acts for preventing of theft and rapine upon the Northern borders of *England, for and during the ſpace and term of eleven years, and alſo from thence unto the end of the firſt ſeſſion of this preſent parliament; which laws have been found very neceſſary for the preſervation of thoſe places from that great number of lewd, diſorderly and lawleſs perſons, that uſually infeſted and frequented thoſe parts:* be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid four former acts, and all and every of them, and every matter, clauſe and clauſes therein contained, and all and every the powers and authorities thereby 13 & 14 Car. 2. c. 22. 18 Car. 2. c. 3. 29 & 30 Car. 2. c. 2. 1 Jac. 2. c. 14. The powers in the fore-mentioned acts continued for 5 years. *Continued further for* 11 *years by* 12 & 13 W. 3. c. 6. 6 Geo. 2. c. 37. 17 Geo. 2. c. 40.

by given, ſhall be, continue and remain in full force from henceforth, for and during the ſpace and term of five years, and alſo from thence unto the end of the firſt ſeſſion of the next parliament.

CAP. XVIII.

An act for granting to his Majeſty ſeveral rates or duties upon houſes, for making good the deficiency of the clipped money.

From 25 March, 1696, for ſeven years, every dwelling houſe inhabited to pay 2 s. Houſe with ten windows to pay 4 s. per annum, above the 2 s. Twenty windows, 8 s. per annum, to be paid half-yearly. *For the increaſe and continuance, &c. of theſe duties ſee* 9 & 10 W. 3. c. 20. 1 Annæ, ſtat. 1. c. 13. 5 Annæ, c. 13. 7 Annæ, c. 7. 8 Annæ, c. 4. 3 Geo. 1. c. 8. ſ. 18. 5 Geo. 1. c. 3. ſ. 22. and c. 19. 6 Geo. 1. c. 21. ſ. 61. Duties to be charged on the inhabitants. Commiſſioners for the land tax 7 & 8 W. 3. c. 5. to execute this for the firſt year, and meet before 7 May, 1696, and divide themſelves into hundreds, and direct their precepts to aſſeſſors to appear in ten days. Aſſeſſors to certify the inhabited houſes, and number of windows, with the names of the inhabitants, and what they ought to pay. Two perſons to be collectors in each pariſh, for whom the pariſh to be anſwerable. Aſſeſſors to take the oaths by 1 W. & M. ſt. 1. c. 8. Certificates of rates to be returned before 4 June, 1696. Commiſſioners to iſſue their warrants for collecting the duties. Money collected to be paid to the receiver general in twenty days after receipt. In default of payment to be levied by diſtreſs. The receiver general to pay the money into the Exchequer half-yearly. Commiſſioners ſuſpecting any houſe not duly charged or omitted, may examine the inhabitant, who neglecting to appear is to pay double. Receiver general to have 2 d. and collector 3 d. in the pound. Clerks allowed 1 d. in the pound. Appeals may be made in ten days, and commiſſioners may abate or increaſe the aſſeſſment, and eſtreat it into the Exchequer. Juſtices of peace to be commiſſioners for the laſt ſix years. Collectors for preceding years to deliver copies of their aſſeſſments, and alſo the names of two able perſons to be collectors for the enſuing year, to the juſtices in ten days after the year's end. By 6 Geo. 1. c. 21. ſ. 61. Juſtices of peace may appoint collectors and make re-aſſeſſments. Houſes or windows omitted, or not duly charged, commiſſioners to examine inhabitants. On default of appearance, to pay double. Letters patents no exemption from payment. Non obſtante's to be void. Parents or guardians to pay for perſons under twenty one years of age. Collectors not paying the money received, to be impriſoned, and their eſtates ſeized. The commiſſioners to ſell ſuch eſtate, and pay the ſum detained to the receiver general. Commiſſioners not liable to the penalties in the act of 25 Car. 2. c. 2. Occupiers of houſes who pay not to church and poor, excepted. Houſes built in Warwick ſince the late fire, not to be charged. 1,200,000 l. may be lent on this act. Intereſt for 600,000 l. at 7 l. per cent. And for the remainder 8 l. per cent. Money lent not to be taxed. A regiſter to be kept of all monies paid in, and entred apart. Perſons lending monies to have a talley, and an order for repayment with intereſt every three months. Orders to be regiſtred, and paid in courſe, without undue preference. No fee to be taken for books or ſearches. Orders entred may be aſſigned. Aſſignee may aſſign again, and ſo toties quoties. Monies coming in by loans on this act, other than what is appointed for ſatisfaction of the ſame, &c. to be applied for making good deficiency of the clipt money. Commiſſioners of the treaſury to take an account of the deficiencies, and apply the money ariſing by this act. Monies placed to the account of ſuch deficiency, to be paid out ſo far as it will extend, and not divertible. *Theſe duties were made part of the aggregate fund by* 3 Geo. 1. c. 8. — Rep. 29 Geo. 2. c. 3.

7 W. 3. c. 1.

CAP.

CAP. XIX.

An act to encourage the bringing plate into the mint to be coined, and for the remedying the ill ſtate of the coin of the kingdom.

II. AND be it further enacted by the authority aforeſaid, That from and after the fourth day of *May*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix, no perſon keeping an inn, tavern, alehouſe or victualing-houſe, or ſelling wine, ale, beer, or any other liquors by retail, ſhall publickly uſe or expoſe to be uſed in ſuch his or her houſe, any wrought or manufactured plate whatſoever, or any utenſil or veſſel thereof (except ſpoons) under the penalty of forfeiting the ſame, or the full value thereof, together with full coſts of ſuit, to him, her or them, who ſhall ſue for the ſame in any of his Majeſty's courts of record at *Weſtminſter*, by bill, plaint, or information, wherein no eſſoin, protection, wager of law, or imparlance, ſhall be allowed.

No retailers of liquors to uſe or expoſe wrought plate (except ſpoons) under a penalty. 11 & 12 W. 3. c. 15. ſ. 1.

IV. And foraſmuch as the greateſt ſecurity againſt counterfeiting the new intended coin of this realm by the mill and preſs, and the difficulty of being provided with fit tools and inſtruments for doing thereof, be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever (other than the officer or officers of his Majeſty's mint or mints) now having, or which at any time hereafter, before the firſt day of *March*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety five, ſhall have in his cuſtody or poſſeſſion any preſs or preſſes which may be made uſe of for coinage, if ſuch perſon or perſons do or ſhall, on or before the third day of *May*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety ſix, bring and deliver the ſame to the officer or officers of his Majeſty's mint at the tower of *London*, every ſuch perſon ſhall, at the time of the delivery thereof, receive from the ſaid officer or officers at the mint the full value which ſuch preſs or preſſes firſt coſt, and the charge of carriage; and if at any time after the ſaid third day of *May*, any preſs for coinage ſhall be found in the cuſtody of any perſon whatſoever, (other than the officers of his Majeſty's mint or mints) ſuch preſs ſhall be ſeized for his Majeſty's uſe; and every perſon in whoſe cuſtody ſuch preſs ſhall be ſo found, after the ſaid third day of *May*, ſhall forfeit the ſum of five hundred pounds, the one moiety thereof to be to his Majeſty, and the other moiety thereof to the informer, to be recovered by action of debt, bill, plaint or information, in any of his Majeſty's courts, wherein no eſſoign, protection, wager of law, or imparlance ſhall be allowed.

All coining preſſes not brought into the mint to be ſeized.

Penalty.

V. And whereas the hereditary branch of his Majeſty's revenue of exciſe upon beer, ale and other liquors, and thoſe duties of exciſe which are to continue during his Majeſty's life, (which God preſerve) and his Majeſty's revenue ariſing by the general letter-office or poſt-office are, and may be charged with ſeveral tallies of *Pro* or aſſignment, or other tallies, payable out

out of the ſame in courſe, be it further enacted by the authority aforeſaid, That ſo much of the ſaid particular duties or branches of exciſe, and of the ſaid revenue ariſing by the general letter-office, as are, or, in purſuance of his Majeſty's royal proclamations, and an act of this preſent parliament, intituled, *An act for remedying the ill ſtate of the coin of the kingdom*, ſhall be received, levied or collected in ſuch clipt moneys as aforeſaid, at any time or times before the fourth day of *May*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety ſix, and which ſhall be applicable to the payment of the ſaid tallies in courſe, and the intereſt thereof, ſhall, by the commiſſioners of exciſe, and his Majeſty's receiver for the general letter-office for the time being reſpectively, be brought from time to time into the ſaid receipt of Exchequer, and ſhall from thence be delivered out to be melted, and ſhall be melted, refined, reduced to ſterling, and recoined into new moneys; and the ſaid new moneys proceeding therefrom ſhall be brought back to the Exchequer, and diſtinct accounts of the weight and tale of the ſame ſhall be kept in ſuch manner as is preſcribed by the ſaid other act laſt mentioned, touching other clipt moneys thereby appointed to be recoined; and that the new moneys ſo to be brought back into the Exchequer, as is laſt mentioned, (except the charges of making the ſame, and melting and refining the ſilver for making thereof, as aforeſaid) ſhall be iſſued from time to time at the receipt of his Majeſty's Exchequer, to the commiſſioners of exciſe, and the receivers general for the poſt-office for the time being reſpectively, who are hereby ſtrictly injoined and required to pay and apply the ſame, ſo far as it will extend, to the ſatisfaction of the ſaid tallies in courſe, and ſuch intereſt as ſhall be due upon them, or any of them; and to keep exact accounts of the clipt moneys which they reſpectively ſhall pay into the Exchequer, of the particular branches or revenues laſt mentioned, and of the new moneys, which they ſhall receive back for the ſame; to the end the differences thereof may be known, and the deficiencies ariſing thereby may be made good, and ſupplied at the publick charge.

Duties of exciſe and poſt-office received in clipt monies to be recoined. 7 W. 3. c. 1.

For payment of tallies in courſe.

Accounts to be kept of the weight and tale.

Charges excepted.

New monies to whom to be iſſued for payment of tallies and intereſt account to be kept of the clipt and new moneys.

VI. And for the more effectual prohibiting the melting down the coin of this kingdom, and ſilver plate wrought within this realm, and the exportation of the molten ſilver and bullion of this kingdom, be it enacted by the authority aforeſaid, That from and after the laſt day of *March*, one thouſand ſix hundred ninety ſix, no perſon or perſons whatſoever ſhall ſhip or cauſe to be ſhipped or put on board any veſſel or ſhip whatſoever, any molten ſilver or bullion whatſoever, either in bars, ingots, wedges, cakes, pinas, or in any other form whatſoever, unleſs a certificate be firſt had and obtained from the court of the lord mayor and aldermen of the city of *London*, oath having been made before the ſaid court, by the owner or owners of ſuch molten ſilver or bullion, and likewiſe by two or more credible witneſſes, that the ſame molten ſilver and bullion, and every part

No perſon to ſhip molten ſilver or bullion without certificate and oath that the ſame is foreign bullion, and not coined, clipt, &c. in England. By 9 & 10 W. 3. c. 28.

Watches, ſword hilts, wrought plate, &c. may be exported, &c.

part and parcel thereof, was and is foreign bullion, and that no part thereof was (before the ſame was molten) the coin of this realm, or clippings thereof, nor plate wrought within this kingdom, which oath the ſaid court of the ſaid lord mayor and aldermen of the city of *London* are hereby required and authorized to adminiſter, and to examine ſtrictly all and every ſuch perſons as ſhall make ſuch oath concerning the premiſſes, and likewiſe to make and grant a certificate thereof, as aforeſaid, without fee or reward; which certificate ſhall alſo contain and expreſs the name and names of the owner or owners of ſuch molten ſilver or bullion, and of the witneſs or witneſſes, and the true weight of ſuch molten ſilver or bullion; an entry of which certificate ſhall be duly made by the ſaid court, in a book to be kept for that purpoſe; which certificate ſhall be ſhewn to the commiſſioners of the cuſtoms for the time being, or four of them, before any cocket be granted for the exporting ſuch molten ſilver or bullion; and an entry thereof ſhall be alſo duly made by the ſaid commiſſioners of the cuſtoms, in a book to be kept by them for that purpoſe.

Certificate to expreſs the owner's name, weight of the bullion, to be entred and given *gratis*.

VII. And be it further enacted, That if any perſon or perſons whatſoever ſhall ſhip, or cauſe to be ſhipped or put on board any veſſel or ſhip, any molten ſilver or bullion whatſoever, as aforeſaid, without oath, certificate, and entry firſt made and obtained, as is before provided; in every ſuch caſe it ſhall and may be lawful to and for any officer or officers of his Majeſty's cuſtoms, or any other perſon or perſons, to ſeize ſuch molten ſilver and bullion ſo ſhipped and put on board, as forfeited; one moiety whereof ſhall be to his Majeſty, his heirs, and ſucceſſors, and the other moiety to the officer and officers, or perſons ſo ſeizing the ſame; and the owner or owners, proprietor or proprietors of ſuch molten ſilver or bullion, ſhall forfeit double the value of ſuch molten ſilver or bullion; one moiety whereof ſhall be to his Majeſty, and the other moiety to the perſon that ſhall ſue or inform for the ſame, to be recovered, with coſts of ſuit, by action of debt, bill, plaint, or information, wherein no privilege, protection, or wager of law, ſhall be allowed, nor any more than one imparlance; and the captain or maſter of ſuch ſhip or veſſel, (if the ſame belong to a ſubject) who ſhall knowingly permit the ſaid molten ſilver or bullion to be put on board his ſaid ſhip or veſſel, ſhall forfeit to ſuch perſon or perſons as ſhall ſue or inform for the ſame, the ſum of two hundred pounds, to be ſued for and recovered in manner as aforeſaid; and in caſe the ſhip or veſſel be a man of war, or veſſel belonging to his Majeſty, then the captain thereof ſhall forfeit the ſum of two hundred pounds to any perſon that ſhall ſue for the ſame as aforeſaid, and ſhall forfeit his employment, and be made uncapable of any office or employment, civil or military.

Molten ſilver or bullion ſhipt without oath, &c. officer may ſeize.

One moiety to the King, the other to the officer.

Penalty on the owners.

Maſter or captain of a ſhip to forfeit 200 l.

VIII. And be it further enacted, That if any commiſſioner or commiſſioners, officer or officers of the cuſtoms, ſhall grant any cocquet for exporting of any molten ſilver or bullion whatſoever,

Penalty on commiſſioners, &c. granting cocquets

for exporting bullion before certificate, &c.

ſoever, before ſuch certificate firſt had, as by this act is directed, and entry thereof made in the book hereby directed to be kept by the commiſſioners of the cuſtoms; that every ſuch commiſſioner and officer of the cuſtoms ſo offending ſhall forfeit the ſum of two hundred pounds, and be made uncapable of any other office or place of profit or truſt whatſoever.

In caſe of ſeizure of bullion, proof to lie on the owners;

IX. And be it further enacted by the authority aforeſaid, That in caſe any ſeizure of any molten ſilver or bullion ſhall happen to be made in purſuance and execution of this act, or that any action, bill, plaint, or information ſhall be brought for any of the forfeitures or penalties incurred by this act, and a doubt or queſtion ſhall ariſe thereon, whether the molten ſilver or bullion then in queſtion were really and truly foreign bullion, or prohibited to be exported, or otherwiſe forfeited by this act; in every ſuch caſe the proof ſhall lie on the part of the owner, proprietor, or claimer, of ſuch molten ſilver or bullion, and unleſs the owner, proprietor, or claimer, or the party ſued, ſhall prove that the molten ſilver or bullion in queſtion was, at the time of the ſeizure or forfeiture thereof, foreign bullion, and that no part thereof was (before the ſame was molten) the coin of this realm, nor clippings thereof, nor plate wrought within this kingdom, that in every ſuch caſe, for want of ſuch proof, the molten ſilver and bullion in queſtion ſhall be adjudged, deemed, conſtrued, and taken, to be molten ſilver and bullion forfeited by this act, and liable to the penalties before mentioned.

and for want of proof, to be forfeited.

Bullion exported by the King's licence, not exceeding 200,000 l. excepted.

X. Provided always, and be it further enacted, That this act, or any thing therein contained, ſhall not extend to prohibit the exportation of ſuch bullion of gold or ſilver, as ſhall be licenced by his Majeſty (ſuch licences being entred in the books of the cuſtom-houſe of the port of *London*) ſo as the ſame be exported before the laſt day of *January*, which ſhall be in the year one thouſand ſix hundred ninety ſix, and do not exceed in value two hundred thouſand pounds ſterling, to be applied for the payment of his Majeſty's forces.

Penalty for taking clipt money in payment. 7 W. 3. c. 1.

XI. And to the end the ſubject, after ſo great a contribution and charge for making good the deficiency of clipt money, may not remain under any part of the miſchiefs which the continuance of the currency of ſuch money will occaſion, be it further enacted, That whoſoever, after the fourth day of *May*, one thouſand ſix hundred ninety ſix, ſhall take or receive any ſuch clipt money, otherwiſe than according to the directions, and in purſuance of an act of this preſent ſeſſion of parliament, intituled, *An act for remedying the ill ſtate of the coin of the kingdom*, in any payment whatſoever, as if it were lawful money, ſhall forfeit double the value of the ſilver ſo received, to the uſe of ſuch perſon as will inform or proſecute for the ſame, to be recovered in ſuch manner and form as the forfeiture for uttering money clipt, after a hole has been punched through it, in purſuance of an act made in this preſent ſeſſion of parliament, is directed to be recovered by the ſaid act; and the juſtices of the peace

peace are hereby impowered to hear and determine ſuch information or proſecution accordingly.

XII. *And whereas the uncertain value of coined gold has been highly prejudicial to trade, and an encouragement to certain evil diſpoſed perſons to raiſe and fall the ſame, to the great prejudice of the landed men of this kingdom*; be it therefore enacted by the authority aforeſaid, That from and after the tenth day of *April*, one thouſand ſix hundred ninety ſix, no perſon ſhall utter or receive any of the pieces of gold coin, commonly called *guineas*, at any higher or greater rate or value than two and twenty ſhillings for each guinea, and ſo proportionably for every greater or leſſer piece of coined gold; and whoſoever ſhall offend herein ſhall incur the penalties and forfeitures provided in an act made in this preſent parliament, for thoſe that ſhall receive or pay guineas, and other pieces of coined gold, at a greater or higher rate than in that act is directed, to be recovered by the ſame ways and means that the penalties and forfeitures of that act are to be or may be recovered.

Guineas to be at 22 s. after 10 April, 1696.

Penalty.

7 & 8 W. 3. c. 10. ſ. 18.

CAP. XX.

An act for granting to his Majeſty an additional duty upon all French *goods and merchandize.*

Moſt gracious Sovereign,

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons aſſembled in parliament, have cheerfully and unanimouſly given and granted, and do hereby give and grant unto your Majeſty the additional and other rates, impoſitions, duties, and charges, upon the ſeveral ſorts of goods and merchandize, to be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, during ſuch time, and in ſuch manner and form, as herein after followeth; and do humbly pray your Majeſty that it may be enacted:

II. And be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That there ſhall be anſwered and paid to his Majeſty, and his heirs and ſucceſſors, for the ſeveral goods and merchandizes hereafter mentioned, over and above all impoſitions, duties, and charges, already impoſed and payable upon and for the ſame in the book of rates of merchandize, by act of parliament eſtabliſhed, and the direction therein contained or otherwiſe, the further rates and duties following (that is to ſay)

III. For every tun of *French* wine imported from and after the twenty eighth day of *February*, one thouſand ſix hundred ninety ſix, for the term of one and twenty years, and from thence to the end of the next ſeſſion of parliament, and no longer, five and twenty pounds above the duties already charged thereupon, without any deduction, and ſo proportionably for a greater or leſſer quantity.

French wine imported to pay 25 l. per tun above the old rates for 21 years.

Brandy of ſingle proof 40 l. per tun. Double proof 60 l. per tun. *French goods condemned as prize exempted by* 8 & 9 W. 3. c. 24. ſ. 5. *Repealed as to rating ſeveral goods, ad valorem,* 11 Geo. 1. c. 7.

IV. For every tun of *French* brandy of ſingle proof imported after the twenty-eighth day of *February*, one thouſand ſix hundred ninety ſix, for the term of one and twenty years, and from thence to the end of the next ſeſſion of parliament, and no longer, thirty pounds: and for every tun of *French* brandy of double proof imported, as aforeſaid, ſixty pounds, over and above the duties already charged thereupon, without any deduction, and ſo proportionably for a greater or leſſer quantity.

V. For every tun of *French* vinegar imported after the ſaid twenty eighth day of *February*, one thouſand ſix hundred ninety ſix, for the term of one and twenty years, and from thence to the end of the next ſeſſion of parliament, and no longer, fifteen pounds, over and above the duties already charged thereupon, without any deduction, and ſo proportionably for any greater or leſſer quantity.

Duties on French wines and goods, &c. made perpetual by 1 Geo. 1. ſtat. 2. c. 12. ſ. 3. Vinegar 15 l. per tun. *All other French goods* 25 *l. per cent. ad valorem.*

VI. For all other goods of the growth, product, or manufacture of *France*, imported after the ſaid twenty eighth day of *February*, one thouſand ſix hundred ninety ſix, for the term of one and twenty years, and from thence to the end of the next ſeſſion of parliament, and no longer, five and twenty pounds *per centum ad valorem*, over and above the duties already charged thereupon, without any deduction, and ſo proportionably for a greater or leſſer quantity.

Duties on wine lees imported, repealed by 1 Geo. ſtat. 2. c. 17. ſ. 1, 2. *and wine lees are to pay as wine.* Rates, penalties, &c. to be as in 12 Car. 2. c. 4. *Made part of the aggregate fund,* 1 Geo. 1. c. 12.

VII. Provided always, and be it enacted, That the ſeveral rates and impoſitions hereby impoſed upon the reſpective goods and merchandizes aforeſaid, ſhall be collected and paid according to the reſpective rates and proportions herein expreſſed, and be raiſed, levied, collected, and paid unto his Majeſty, during the reſpective times before mentioned, in the ſame manner and form, and by ſuch rules, means, and ways, and under ſuch penalties and forfeitures, as are mentioned and expreſſed in one act of parliament, made in the twelfth year of the reign of King *Charles* the Second, intituled, *A ſubſidy granted to the King of tunnage and poundage, and other ſums of money, payable upon merchandize exported and imported*, and the rules, directions, and orders, thereunto annexed, or any other laws now in force relating to the collection of his Majeſty's cuſtoms; which ſaid act and acts, and every article, rule, and clauſe, therein contained, ſhall ſtand and be in force for the purpoſes aforeſaid, during the continuance of this act.

VIII. *And whereas a very uſeful and profitable invention or myſtery hath been lately found out, for the better and more ſpeedy making and knitting of worſted and ſilk ſtockings, waiſtcoats, gloves, and other wearing neceſſaries, whereby great quantities are wrought off in a little time, his Majeſty's dominions abundantly ſupplied, and great quantities exported into foreign nations, to the increaſe of his Majeſty's cuſtoms, and the improvement of trade and commerce: and whereas ſeveral of the frames or engines for the making and knitting of ſuch ſtockings and other wearing neceſſaries have been of late exported out of this kingdom, whereby the ſaid commodities have been made in foreign parts, which were heretofore made in this kingdom only, to the*

the great diſcouragement of the woollen trade in general, and the great detriment of the ſaid myſtery, and the impoveriſhment of many families, who have been thereby maintained: For the prevention of which inconveniencies for the future, be it enacted by the authority aforeſaid, That from and after the firſt day of *May*, one thouſand ſix hundred ninety ſix, no perſon or perſons whatſoever ſhall load or put on board any ſhip or veſſel any ſuch frame or frames, or any part or parcel thereof, in order to be exported beyond the ſeas, upon pain that the perſon or perſons offending herein ſhall not only forfeit or loſe ſuch frame and frames, parts or parcels of frames, which ſhall be ſo loaden and put on board, in order to be exported beyond the ſeas, as aforeſaid, but alſo the ſum of forty pounds of lawful money of *England*, for ſuch frame, or part or parcel thereof; the one moiety thereof to his Majeſty, his heirs and ſucceſſors, the other moiety thereof to the perſon or perſons who ſhall inform and ſue for the ſame, to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, wherein no eſſoin, protection or wager of law, ſhall be allowed, or more than one imparlance.

Penalty on exporting ſtocking frames or engines.

One moiety to the King, the other to the proſecutor.

IX. And for the more effectual preventing the exportation of ſuch frames, be it further enacted by the authority aforeſaid, That all and every perſon and perſons whatſoever, which from and after the ſaid firſt day of *May*, ſhall buy, ſell, diſpoſe of, or remove from place to place, any ſuch frame or engine, or any parts or parcels thereof, ſhall, within two months next after ſuch diſpoſal or removal thereof, give notice in writing to the maſter and wardens of the company of *Framework-knitters* within the city of *London*, or to their lawful deputy or deputies for the time being, ſome or one of them, to whom and what place the ſame were ſo ſold, diſpoſed, or removed, to the end that an account may be taken by the ſaid maſter and wardens, or their deputy or deputies, thereof, upon pain that every perſon and perſons offending herein ſhall forfeit and pay, for every ſuch offence, to the uſes aforeſaid, the ſum of five pounds of like money, to be recovered as aforeſaid.

Maſter and wardens of the company of frame-knitters, London, to have notice of the ſelling or removing of ſtocking frames.

CAP. XXI.

An act for the increaſe and encouragement of ſeamen.

FOraſmuch *as the ſtrength and ſafety of this, and other his Majeſty's realms and dominions, do very much depend upon the furniſhing and ſupplying of his Majeſty's royal navy with a competent number of able mariners and ſeamen, which may be in a readineſs at all times for that ſervice:*

II. *And whereas the ſeamen of this kingdom have for a long time diſtinguiſhed themſelves throughout the world by their induſtry and ſkilfulneſs in their employments, and by their courage and conſtancy manifeſted in engagements for the defence and honour of their native country: and for an encouragement to continue this their ancient reputation, and to invite greater numbers of his Majeſty's ſubjects to betake themſelves to the ſea, it is fit and reaſonable that ſome competent*

proviſion ſhould be made, that ſeamen, who by age, wounds, or other accidents, ſhall become diſabled for future ſervice at ſea, and ſhall not be in a condition to maintain themſelves comfortably, may not fall under hardſhips and miſeries, may be ſupported at the publick charge, and that the children of ſuch diſabled ſeamen, and alſo the widows and children of ſuch ſeamen as ſhall happen to be ſlain, killed, or drowned in ſea-ſervice, may in ſome reaſonable manner be provided for and educated:

Greenwich hoſpital.

III. *And whereas his Majeſty, and her late majeſty the Queen, of bleſſed memory, reflecting upon the premiſſes, determined with themſelves, That an hoſpital ſhould be erected, eſtabliſhed, and endowed for the purpoſes aforeſaid, and in order thereunto by their letters patents under the great ſeal of* England, *bearing date the five and twentieth day of* October *laſt paſt, did give and grant to certain perſons named therein, their heirs and aſſigns, a certain piece or parcel of ground, ſituate and being within the pariſh of* Eaſt Greenwich *in the county of* Kent, *parcel or reputed parcel of their manor of* Eaſt Greenwich *aforeſaid, and in the ſaid letters patents particularly deſcribed, and the capital meſſuage commonly called by the name of* The Palace of Greenwich, *ſtanding upon the ſaid piece or parcel of ground, and ſeveral other edifices, buildings, and other things in the ſaid letters patents mentioned (except as herein is excepted) to the intent that the premiſſes ſhould be converted and employed unto and for the uſe and ſervice of an hoſpital, for the relief of ſeamen, their widows, and children, and an encouragement of navigation, as therein is mentioned:*

IV. *And whereas his Majeſty, in further execution of his pious and princely intention for the founding and endowing of an hoſpital at* Greenwich *for the purpoſes aforeſaid, by his letters patents under the great ſeal of* England, *bearing date the tenth day of* September, *one thouſand ſix hundred ninety and five, hath conſtituted commiſſioners, and granted an annual ſum, payable out of the treaſury, and given divers proper directions, powers, and authorities, for the carrying on and perfecting the ſaid hoſpital, and the endowment and maintenance thereof, and of the ſaid perſons to be placed therein:* and to the intent that ſuch mariners, watermen, ſeamen, fiſhermen, lightermen, bargemen, and keelmen, as ſhall voluntarily come in and regiſter themſelves, in and for his Majeſty's ſea ſervice, as hereafter mentioned, may have and receive the privileges, benefits, and advantages following: be it enacted, by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That all and every able mariners, ſeaman, waterman, fiſherman, lighterman, bargeman, keelman, or ſeafaring-man, being a natural born ſubject of this realm, or any of his Majeſty's dominions, or being naturalized or made a denizen in *England*, and above the age of eighteen years, and under the age of fifty years, and being capable of ſea-ſervice, who ſhall be willing to enter and regiſter himſelf for the ſervice of his Majeſty, his heirs and ſucceſſors, in his or their royal fleet or navy, ſhall and may, by

Mariners, &c. above 18 and under 50 may regiſter themſelves in the King's ſervice. *Repealed as to regiſtring of ſeamen by* 9 An. c. 21. ſ. 63.

by himſelf, or by any other perſon or perſons by him thereto (in writing) authorized or employed, deliver or give in his chriſtian name, ſirname and proper addition, together with his age and the place of his abode and habitation, unto ſuch officer or officers as ſhall be appointed for the regiſtring of ſeamen, and as is herein after mentioned; and that ſuch and ſo many publick officers for the regiſtring of the ſaid perſons, for ſea-ſervice, ſhall be kept at the charge of his Majeſty, his heirs or ſucceſſors, at the navy-office in *London*, or other places, and ſuch of the principal officers of the navy, or other perſons, ſhall be appointed thereunto; and the making and keeping ſuch regiſters ſhall be performed in ſuch form and methods as his Majeſty, his heirs or ſucceſſors, or the commiſſioners for executing the office of lord high admiral of *England*, or any three or more of them, now being, or the lord high admiral of *England*, or any three or more of the commiſſioners for executing the office of lord high admiral of *England* for the time being, ſhall from time to time preſcribe, direct and appoint, ſo as that in the ſaid regiſter or regiſters there ſhall be truly and faithfully entred down and regiſtred in order and courſe of time, as well the names, ſirnames, additions, ages, places of abode or habitation of all and every ſuch mariner, ſeaman, waterman, fiſherman, lighterman, bargeman, keelman, or ſeafaring-man, as aforeſaid, and alſo the true days and times of ſuch entry or regiſtring, for all or any of which entries or regiſtrings, no fee, reward or gratuity whatſoever (other than from his Majeſty, his heirs and ſucceſſors) ſhall be demanded or received; and if any perſon or perſons whatſoever ſhall willingly and knowingly make, or cauſe or procure to be made in any of the ſaid offices any entry or regiſtry of the name of any perſon or perſons whatſoever, ſave of the very true perſon or perſons, and according to the truth of the matter contained in ſuch entry, every perſon ſo offending, and being thereof convicted, ſhall forfeit the ſum of one hundred pounds, one moiety whereof ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame, by action of debt, bill, plaint or information, in any of his Majeſty's courts of record, wherein no eſſoin, wager of law or protection ſhall be allowed. And for the due and faithful execution of the ſaid offices or places of regiſters, the reſpective regiſters ſo to be appointed, as aforeſaid, ſhall, before his and their entrance thereunto, or intermeddling therewith, take an oath before the judge of the admiralty for the time being, or before two or more of his Majeſty's juſtices of the peace, in or for that county, city, town or place, wherein ſuch office ſhall be, for the true and faithful execution thereof, and for his and their good demeanour therein; which oath the ſaid judge of the admiralty, for the time being, or any two ſuch juſtices of the peace, as aforeſaid, have hereby power to adminiſter.

Regiſter office to be kept at the navy-office, London or elſewhere.

Seamen's names to be regiſtred in courſe of time without fee.

Penalty on perſons making undue entries.

Regiſters to take an oath before the judge of the admiralty, or two juſtices of peace.

V. And be it further enacted, by the authority aforeſaid, That the ſaid navy-office, or ſuch other office as ſhall be appointed by his Majeſty, his heirs and ſucceſſors, ſhall be, and

Navy-office or other office to be called the head office.

Regiſters of ſeaports to give certificates *gratis* of the number and names of ſeamen regiſtred in their office, to be tranſmitted to the navy-office, and entred without undue preference,

be called the head office, whereunto, and to the regiſter or regiſters therein to be appointed, as aforeſaid, all other the regiſters of and in the other ſea-ports and maritime towns and places, ſhall from time to time, and without any fee or reward for the ſame, (other than from his Majeſty, his heirs or ſucceſſors) make and give certificates, under their reſpective hands and ſeals, of the number, names, places of abode, and additions of all ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen and ſeafaring-men that ſhall be entred or regiſtred within their reſpective offices, and of the true days and times when ſuch entries or regiſtrings were firſt made; which ſaid certificates ſhall from time to time be tranſmitted unto the ſaid regiſter or regiſters in the ſaid navy-office or other office as aforeſaid, and by him or them filed in courſe of time as they came in; and the names of the ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen and ſeafaring-men therein mentioned, ſhall be in order of time as they come in, and without any undue preference, entred and regiſtred there alſo, ſo that in that office the number, names and places of habitation of all the ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen, and ſeafaring-men regiſtred throughout the kingdom, and their reſpective times of their coming in to be regiſtred, may from time to time appear: a true account of all which ſhall once in every year, or oftner (if required) be made and given in writing by the ſaid officer or officers at the navy-office or other office as aforeſaid, unto the commiſſioners for executing the office of lord high admiral of *England*, and to the lord high admiral of *England* for the time being; who are to take effectual care, and give ſuch timely and neceſſary orders and directions, that ſuch and ſo many of them as they ſhall find moſt proper for his Majeſty's ſervice, may from time to time in each year be ordered and diſpoſed for the ſervice of the fleet.

An account to be given once a year to the commiſſioners of the admiralty.

Number not to exceed 30,000 men, and each to have 40 s. *per annum*, bounty. *Repealed by* 9 Ann. c. 21. ſ. 63.

VI. And be it further enacted by the authority aforeſaid, That in every or any year, computing the year to begin from the firſt day of *January*, during which the whole number of regiſtred ſeamen there alive, or in being, ſhall not exceed thirty thouſand, and every ſuch ſeamen entred, regiſtred, as aforeſaid, ſhall have paid and allowed to him from his Majeſty, his heirs and ſucceſſors (whether he be in actual ſervice or not) the yearly ſum or bounty of forty ſhillings, over and beſides ſuch other pay and allowances which he ſhall be intituled unto by being in his Majeſty's actual ſervice; and in every or any year during which the whole number of regiſtred ſeamen, then alive or in being, ſhall exceed thirty thouſand, there ſhall be in the like manner allowed and paid a bounty of forty ſhillings apiece to thirty thouſand of the number laſt mentioned, for every ſuch year reſpectively (to wit) to ſuch of them as by the books of the ſaid regiſters ſhall appear to be longeſt entred in, or for his Majeſty's ſea-ſervice; and moreover, none but ſuch regiſtred mariners, watermen, fiſhermen, lightermen, bargemen, keelmen, and ſeafaring-men, ſhall be capable of being preferred to

None but regiſtred ſeamen to be preferred,

any

any commiſſion, or warrant offices, in the royal navy of his Majeſty, his heirs and ſucceſſors; and that every ſuch regiſtred ſeamen, being in ſervice upon any ſhip, or veſſel of his Majeſty, his heirs or ſucceſſors, in any foreign voyage, or deſigned for any foreign voyage, ſhall from time to time, or at any time, have power, and is hereby authorized to ſign, or appoint to his wife, or any other perſon or perſons, any part or proportion of the pay due, or to be due to him for his ſervice, not exceeding two months pay in every ſix months pay which ſhall be due to him; which aſſignments ſhall be duly ſatisfied and complied with, upon due proof to be made of the ſix months ſervice, by return of muſters, according to the practice of his Majeſty's navy; and that upon the like proof of ſuch ſeamen's death in the ſaid ſervice, the monies which ſhall be due, or remaining due to him for his wages, ſhall be paid to his executors or adminiſtrators, without tarrying for the ſhip's return, or her general pay; and alſo every ſeaman regiſtred as aforeſaid, ſhall have and receive, for, and as his ſhare and dividend, out of, and for all prizes taken at ſea, wherein he ſhall be concerned in the taking or whereunto he ſhall be intituled to have any part or ſhare, a double part or ſhare in every ſuch prize more than any other ſeaman of like quality in the ſhip with himſelf, who ſhall not be regiſtred as aforeſaid, any law or ſtatute to the contrary notwithſtanding; and that every ſuch regiſtred ſeaman, upon producing a certificate under the hand and ſeal of the regiſter or regiſters in the ſaid navy office, or other office, as aforeſaid, that he ſtands there ſo regiſtred as aforeſaid, ſhall be from time to time freed and exempted from ſerving upon any juries or inqueſts, or in the militia, or in or about the aſſeſſing or collecting of any publick taxes or aſſeſſments, or in the offices of conſtables, tything-men, borſholder, church-warden, overſeer or collector for the poor, or any other pariſh officer whatſoever, except ſuch regiſtred ſeaman ſhall declare himſelf willing to ſerve in ſuch office, for which certificate no fee or reward ſhall be demanded or received; and every election and appointments of any ſuch regiſtred ſeaman or ſeafaring-man (ſo long as he continues ſo regiſtred) to any of the ſaid offices, places or employments aforeſaid, ſhall be, and is hereby declared to be void, unleſs he ſhall declare his conſent as aforeſaid.

Regiſtred ſeamen may aſſign two months pay in ſix.

Monies due to ſeamen dead in the ſervice, to be paid to their executors.

Regiſtred ſeamen to have a double ſhare out of prizes.

Regiſtred ſeamen freed from ſerving on juries, in the militia, collecting of taxes or pariſh offices, unleſs willing to ſerve.

VII. And for the relief, benefit, or advantage, of ſuch the ſaid regiſtred mariners or ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen, or ſeafaring-men, who by age, wounds, or other accidents, ſhall be diſabled for future ſervice at ſea, and ſhall not be in a condition to maintain themſelves comfortably, and the children of ſuch diſabled ſeamen, and the widows and children of ſuch of them as ſhall happen to be ſlain, killed, or drowned, in ſea-ſervice, ſo far forth as the hoſpital herein before mentioned ſhall be capable to receive them, and the revenue thereof will extend for or towards their relief or ſupport, and according to the rules, orders, and conſtitutions, to be ſettled and provided for the ſaid hoſpital, and the government

Regiſtred ſeamen being diſ-

abled, on certificate to the governor of Greenwich hoſpital, to be taken in, and provided for during life.

ment and regulation thereof: be it further enacted by the authority aforeſaid, That every ſuch ſeaman, waterman, fiſherman, lighterman, bargeman, keelman, or ſeafaring-man, regiſtred and diſabled, as aforeſaid, ſhall upon certificate thereof from the captain, maſter, ſurgeon, and purſer, or ſo many of them as were in the ſaid ſhip for the time being, under his or their hand and ſeal, unto the governor or governors of the ſaid hoſpital at *Greenwich* for the time being, be admitted and placed in the ſaid hoſpital, and ſhall have provided and allowed unto him, during his life, at the charges of the ſaid hoſpital, and out of the revenues thereof, according to the rules, orders, and conſtitutions, to be provided and ſettled for the ſaid hoſpital, and the government and regulation thereof, fitting and convenient lodging, meat, drink, clothing, and other neceſſaries and conveniencies; and alſo the widows of ſuch ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen, and ſeafaring-men, who ſhall be ſlain, killed, or drowned, in the ſea ſervice, and the children of ſuch ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen, or ſeafaring-men, ſo ſlain, killed, or drowned, and not of ability to maintain or provide comfortably for themſelves, ſhall be received into the ſaid hoſpital, and there be provided for; and the ſaid children ſhall be educated at the charges of the ſaid hoſpital, till they are fit to be put out, or of ability to maintain themſelves; all which ſhall be done ſo far forth as the ſaid hoſpital ſhall be capable to receive ſuch diſabled ſeamen, and ſuch widows and children as aforeſaid, and as the revenues thereof will extend for the purpoſes aforeſaid, and according to the rules, orders, and conſtitutions, to be provided and ſettled for the ſaid hoſpital, and the government and regulation thereof.

Widows and children of ſeamen ſlain or drowned in the ſervice to be received and provided for.

Farther provided for by 8 & 9 W. 3. c. 23. ſ. 1.

By 2 & 3 Ann. c. 6. ſ. 19.

Lord admiral may appoint diſabled ſeamen, &c. to be maintained.

VIII. Provided always, and be it further enacted by the authority aforeſaid, That if any ſuch mariner, ſeaman, waterman, fiſherman, lighterman, bargeman, keelman or ſeafaring-man regiſtred as aforeſaid, ſhall, during the time of actual war, withdraw or abſent himſelf from the ſervice of his Majeſty, his heirs or ſucceſſors, in his or their ſhips or navy, and ſhall not within thirty days next after due ſummons or warning from the commiſſioners for executing the office of lord high admiral of *England*, or any three or more of them now being, or the lord high admiral of *England*, or the commiſſioners for executing the office of lord high admiral for the time being, or any three of them, or the commiſſioners of the navy for the time being, or any three of them, or ſuch perſons as ſhall be appointed by the King for keeping the ſaid regiſter, or any three of them, or by the vice-admirals of the ſeveral counties, or their deputies, repair on board ſuch of his Majeſty's ſhips whereunto he ſhall belong, or by them to be appointed to be put on board ſuch of his Majeſty's ſhips whereunto he ſhall be directed, not being detained by ſickneſs, or other bodily infirmity, atteſted by the oath of two credible witneſſes, to be allowed by the commiſſioners for executing the office of lord high admiral of *England*, or any three or more

Regiſtred ſeamen withdrawing themſelves in time of war from the King's ſervice, and not repairing on board in 30 days after ſummons,

and not detained by ſickneſs,

nore of them now being, or by the lord high admiral of *England*, or any three or more of the commiſſioners for executing he office of lord high admiral of *England* for the time being, or he commiſſioners of the navy for the time being, or any three of them, or ſuch perſons as ſhall be appointed by the King for keeping the ſaid regiſter, or any three of them, or by the vice-admirals of the ſeveral counties, or their deputies; or if any ſuch regiſtred mariner, ſeaman, waterman, fiſherman, lighterman, bargeman, keelman, or ſeafaring-man, ſhall abſent him or themſelves, or relinquiſh the ſea-ſervice of his ſaid Majeſty, his heirs or ſucceſſors, without the conſent of the commiſſioners for executing the office of lord high admiral of *England*, or any three or more of them now being, or the lord high admiral of *England*, or commiſſioners for executing the office of lord high admiral for the time being, or any three of them, firſt had and obtained in writing for that purpoſe, That then every ſuch mariner, ſeaman, waterman, fiſherman, lighterman, bargeman, keelman or ſeafaring-man, ſo neglecting or refuſing to appear on board, upon ſuch notice as aforeſaid, or who ſhall abſent him or themſelves, or relinquiſh the ſaid ſervice, without ſuch conſent as aforeſaid, ſhall for ever loſe the benefit of this act, and ſerve in his Majeſty's ſervice ſix months, without any pay; but ſuch perſon for ſuch offence only ſhall not ſuffer as a deſerter.

to loſe the benefit of this act, and ſerve ſix months without pay.

IX. Provided nevertheleſs, That nothing in this act contained ſhall extend to take away or alter the puniſhment appointed by an act made in the thirteenth year of the reign of King *Charles* the Second, for ſuch captains, officers or mariners as ſhall deſert the ſervice of his Majeſty, his heirs or ſucceſſors in his ſhips, or entice any others ſo to do.

Act not to take away the puniſhment in 13 Car. 2. ſtat. 1. c. 9.

X. And be it further enacted by the authority aforeſaid, That when and after five and twenty years, to be reckoned from the five and twentieth day of *March*, one thouſand ſix hundred ninety and ſix, ſhall be expired, no perſon or perſons whatſoever ſhall be capable of being a brother of *Trinity Houſe* of *Deptford Strond*, but only ſuch as at the time of his or their election, or before, ſhall be, or ſhall have been, a ſeaman or ſeamen, watermen, fiſhermen, lightermen, bargemen, keelmen, regiſtred in purſuance of this act; and that every ſeaman whatſoever, that ſhall ſerve his Majeſty, his heirs, or ſucceſſors, or any other perſon or perſons whatſoever, in any of his Majeſty's ſhips, or in any ſhip or veſſel whatſoever, belonging or to belong to any the ſubjects of *England*, or any other his Majeſty's dominions, ſhall allow, and there ſhall be paid out of the wages of every ſuch ſeaman to grow due for ſuch his ſervice, ſix pence *per menſem* for the better ſupport of the ſaid hoſpital, and to augment the revenues thereof for the purpoſes aforeſaid; which monthly allowance ſhall and may be collected, levied, and recovered, by ſuch officers, and according to ſuch rules and methods, as ſhall in that behalf be appointed by the ſaid commiſſioners for executing the office of lord high admiral of *England*,

After 25 years from Mar. 25. 1696. none to be a brother of Trinity Houſe but regiſtred ſeamen.

6 d. *per menſem* to be paid out of all ſeamen's wages, towards the ſupport of Greenwich hoſpital.

By 2 & 3 Annæ, c. 6. ſ. 7. poor boys aſſigned over to the ſea, ſhall not pay the 6 d. per menſem till the age of 18.

land, or any three or more of them, or by the lord high admiral of *England*, for the time being.

By 10 Annæ, c. 17. ſ. 1. *Perſons employed in boats, &c are to pay 6 d.* per menſem. *Further proviſions relating to the payment of 6 d.* per menſem *by* 2 Geo. 2. c. 7. *and* c. 36. ſ. 9 & 10. 18 Geo. 2. c. 31.

Abode of regiſtred ſeamen to be certified by two juſtices.

XI. Provided always, and it is hereby enacted, That every ſeaman, at the time of his being regiſtred, as aforeſaid, ſhall bring or cauſe to be brought a certificate of his place of abode, under the hands of two juſtices of the peace of the county or place where he lives; and when and as often as any ſuch ſeaman ſhall change his place of abode, he ſhall bring, or cauſe to be brought, a new certificate thereof, to the ſaid regiſter, under the penalty of loſing the benefit of his being regiſtred, as aforeſaid.

Thoſe under 18 or above 55, not obliged to ſerve.

XII. Provided alſo, That every regiſtred ſeaman or ſeafaring-man, being under the age of eighteen years, or above the age of five and fifty years, ſhall be exempted from ſervice on board his Majeſty's ſhips, upon ſuch ſummons, as aforeſaid, unleſs he or they will voluntarily enter himſelf or themſelves to ſerve on board the ſame.

Commiſſion or warrant officer not intituled to the bounty, or liable to the penalty.

XIII. Provided alſo, That where any regiſtred ſeaman ſhall be preferred to be a commiſſion or warrant officer in his Majeſty's ſervice, or maſter, mate, boatſwain, gunner, carpenter, purſer or ſurgeon, he ſhall not be intitled to the ſaid bounty of forty ſhillings a year, or other benefits hereby intended for ſeamen, in reſpect of their being regiſtred, as aforeſaid, or be liable to incur the penalties or diſabilities whereunto ſeamen not regiſtred, or not ſerving as this act directs, are hereby intended to be ſubjected.

Commiſſioners of the admiralty may diſcharge or diſmiſs any regiſtred ſeamen.

XIV. Provided alſo, and it is hereby enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners for executing the office of lord high admiral of *England*, or any three or more of them, or the lord high admiral of *England* for the time being, to diſcharge any ſeaman who ſhall have been regiſtred, as aforeſaid, from the ſaid regiſter, upon any cauſe for which it ſhall be deſired, or for any offence to diſmiſs and expunge any ſeaman from the ſaid regiſter, and thereby deprive him of the benefit thereof, according to the beſt of their judgments and diſcretions; any thing in this act before mentioned to the contrary notwithſtanding.

Licences to be given to landmen to ſerve aboard merchant ſhips.

XV. Be it alſo enacted, That licences ſhall at any time be given by order of his Majeſty, or the lord high admiral, or commiſſioners of the admiralty for the time being, to any landmen deſirous to apply themſelves to the ſea ſervice, to ſerve in merchant ſhips, or other trading veſſels, which ſhall be to them a protection againſt being impreſſed, for the ſpace of two years following the date of ſuch licence: provided that ſuch landmen bring to the regiſter two credible perſons, inhabitants, or known in the place where they ſo enter themſelves, who ſhall aſſert their knowledge of ſuch landmen for two years paſt, and in what profeſſion or buſineſs they have known them employed; and

Penalty on falſe vouching or perſonating

that if any perſon ſhall vouch any one for a landman, who ſhall afterwards

afterwards be proved to be a ſeaman, he ſhall forfeit the ſum of twenty pounds, to be levied in manner, and to the uſes aforementioned; and that any ſeaman perſonating or taking another's name, or any ſeamen or other perſon whatever, counterfeiting any licence, ſhall forfeit twenty pounds, to the ſaid uſes, and be liable to ſuch further puniſhment as by law may be inflicted for ſuch a fraud or miſdemeanor; and any ſeaman ſo offending as above ſhall be incapable of the benefit of this act.

another, or counterfeiting licence.

XVI. Provided moreover, and it is hereby further enacted by the authority aforeſaid, That all ſeamen and ſeafaring-men, as aforeſaid, to be regiſtred by virtue of this act, who are or ſhall be inhabitants within any of the cinque-ports, or the towns and members thereof, ſhall and may be regiſtred at ſuch places within the ſaid cinque-ports, or the towns and members thereof, or within ſome of them, and in ſuch manner, according to the true intention of this act, and by ſuch perſons regiſters as ſhall for that purpoſe be appointed and nominated by the lord warden of the cinque-ports for the time being, or in caſe there be no lord warden, or in his abſence, by the lieutenant of *Dover* caſtle for the time being; which perſons ſo to be nominated and appointed regiſters, ſhall (before they or any of them enter or regiſter any ſeaman or ſeafaring-man as aforeſaid, by virtue of this act) take ſuch oath for the due execution of this act, as is herein before directed, before the lord warden for the time being, or the lieutenant of *Dover* caſtle, or his deputy or deputies, or one of them for the time being, or before the mayor of ſome one of the cinque-port towns or members; (which oath they or any of them are impowered hereby to adminiſter) and ſhall, in the execution of their reſpective offices, obſerve and perform all ſuch directions and orders as are particularly given and made by this act concerning the ſame, under the reſpective penalties hereby in that behalf eſtabliſhed, and all ſuch further directions and orders as the King's majeſty, his heirs and ſucceſſors, and the lord warden of the cinque-ports for the time being, ſhall in that behalf give, make or preſcribe, according to the tenor of this act; and that all ſeamen and ſeafaring-men, as aforeſaid, ſo regiſtred, as laſt mentioned, and their wives and children, ſhall have, receive and enjoy the like bounties, advantages, profits, capacities, privileges and exemptions, to all intents and purpoſes, as any other ſeamen or ſeafaring-men, as aforeſaid, being elſewhere regiſtred, by virtue of this act, or their wives or children, ſhall or may have, receive or enjoy by virtue hereof, and be liable to all ſuch penalties and puniſhments, in caſe of not repairing (on ſummons from the lord warden for the time being, or in his abſence, or in caſe there be no lord warden, from the lieutenant of *Dover* caſtle, his deputy or deputies, in ſuch manner as by this act is before directed to be made) to the reſpective ſhips whereto they ſhall reſpectively belong, or be appointed by the ſaid lord admiral, or by the lords commiſſioners of the admiralty for the time being, or in caſe of deſertion, and in all other reſpects as ſuch other ſeamen or ſeafaring-

Seamen inhabiting in the cinque-ports may be there regiſtred.

Regiſters to be appointed by the warden of the cinque-ports, and to take the oath.

Seamen ſo regiſtred, and their wives and children, to have the ſame advantages as if elſewhere regiſtred.

faring-men, as aforeſaid, ſo elſewhere regiſtred, ſhall or may be liable to by virtue of this act, any thing herein contained to the contrary thereof notwithſtanding.

Regiſtred men not to ſerve as land ſoldiers.

XVII. And be it further enacted and declared to be the true intent and meaning of this preſent act, That no perſon or perſons regiſtring themſelves, as aforeſaid, ſhall by virtue of any of the powers or authority herein contained, be obliged to ſerve, or ſhall ſerve as land-ſoldiers in any other quality but as ſeamen in his Majeſty's fleet and navy.

Chaplain, ſurgeon, &c. not debarred.

XVIII. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall be conſtrued to extend to the debarring any perſon from being a chaplain, ſurgeon, or any other officer in any office in the navy not of neceſſity to be executed by a ſeafaring-man.

CAP. XXII.

An act for preventing frauds, and regulating abuſes in the plantation trade.

WHEREAS *notwithſtanding divers acts made for the encouragement of the navigation of this kingdom, and for the better ſecuring and regulating the plantation trade, more eſpecially one act of parliament made in the twelfth year of the reign of the late* 12 Car. 2. c. 18. *King* Charles *the Second, intituled,* An act for increaſing of ſhipping and navigation, *another act made in the fifteenth year of the* 15 Car. 2. c. 7. *reign of his ſaid late Majeſty, intituled,* An act for the encouragement of trade, *another act made in the two and twentieth and three* 22 & 23 Car. 2. c. 26. *and twentieth years of his ſaid late Majeſty's reign, intituled,* An act to prevent the planting of tobacco in *England,* and for regulating the plantation trade, *another act made in the twenty fifth year* 25 Car. 2. c. 7. *of the reign of his ſaid late Majeſty, intituled,* An act for the encouragement of the *Greenland* and *Eaſtland* trades, and for the better ſecuring the plantation trades, *great abuſes are daily committed to the prejudice of the* Engliſh *navigation, and the loſs of a great part of the plantation trade to this kingdom, by the artifice and cunning of ill-diſpoſed perſons:* For remedy whereof for the future,

Goods not to be imported or exported to or from the plantations but in ſhips built in England, Ireland, or in the plantations.

II. Be it enacted, and it is hereby enacted and ordained by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That after the five and twentieth day of *March*, one thouſand ſix hundred ninety eight, no goods or merchandizes whatſoever ſhall be imported into, or exported out of, any colony or plantation to his Majeſty, in *Aſia*, *Africa* or *America*, belonging, or in his poſſeſſion, or which may hereafter belong unto, or be in the poſſeſſion of his Majeſty, his heirs or ſucceſſors, or ſhall be laden in, or carried from any one port or place in the ſaid colonies or plantations to any other port or place in the ſame, the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, in any ſhip or bottom, but what is or ſhall be of the

the built of *England*, or of the built of *Ireland*, or the ſaid colonies or plantations, and wholly owned by the people thereof, or any of them, and navigated with the maſters and three fourths of the mariners of the ſaid places only (except ſuch ſhips only as are or ſhall be taken as prize, and condemnation thereof made in one of the courts of admiralty in *England*, *Ireland*, or the ſaid colonies or plantations, to be navigated by the maſter and three fourths of the mariners *Engliſh*, or of the ſaid plantations as aforeſaid, and whereof the property doth belong to *Engliſh* men; and alſo except for the ſpace of three years, ſuch foreign built ſhips as ſhall be employed by the commiſſioners of his Majeſty's navy for the time being, or upon contract with them, in bringing only maſts, timber, and other naval ſtores for the King's ſervice from his Majeſty's colonies or plantations to this kingdom, to be navigated as aforeſaid, and whereof the property doth belong to *Engliſh* men) under pain of forfeiture of ſhip and goods; one third part whereof to be to the uſe of his Majeſty, his heirs and ſucceſſors, one third part to the governor of the ſaid colonies or plantations, and the other third part to the perſon who ſhall inform and ſue for the ſame, by bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, or in any court in his Majeſty's plantations, where ſuch offence ſhall be committed.

Except prize ſhips, and foreign ſhips employed for 3 years to bring in naval ſtores.

Penalty.

III. And be it further enacted by the authority aforeſaid, That (from and after the ſaid five and twentieth day of *March*) goods or merchandizes may be exported or imported to and from this kingdom, the colonies, plantations and places aforeſaid, in any ſuch ſhips as are or ſhall be taken as prize, and whereof condemnation ſhall be made in one of the courts of admiralty aforeſaid, and ſhall be navigated as aforeſaid, by the maſter, three fourths of the mariners *Engliſh*, and whereof the property ſhall belong to *Engliſh* men, and alſo maſts, timber, and other naval ſtores for his Majeſty's ſervice, for the ſpace of three years, may be imported from his Majeſty's colonies or plantations to this kingdom, in ſuch foreign built ſhips as ſhall be employed by the commiſſioners of the navy for the time being, or by contract with them; any law or ſtatute to the contrary notwithſtanding.

Goods may be imported and exported in prize ſhips, the maſter and three fourths of the mariners being *Engliſh*.

IV. *And whereas by one clauſe in the ſaid act paſſed in the twelfth year of the reign of the late King* Charles *the Second, intituled,* An act for the encouraging and increaſing of ſhipping and navigation, *all governors of his Majeſty's colonies or plantations in* Aſia, Africa, *or* America, *are required to take a ſolemn oath to do their utmoſt that every the clauſes therein before mentioned, and all the matters and things therein contained, ſhall be punctually and* bona fide *obſerved according to the true intent and meaning thereof, ſo that the ſaid governors are not ſtrictly obliged by that oath to put in execution the ſubſequent clauſes of the ſaid act, although ſome of the clauſes following are of great importance, and tend greatly to the ſecurity of the plantation trade: and whereas divers other good laws have been made for the better regulating and ſecuring the plantation trade ſince the ſaid laſt*

12 Car. 2. c. 18.

13 & 14 Car. 2. c. 11.

men-

4 & 5 W. & M. c. 17. Governors of Engliſh plantations to take an oath to obſerve all the clauſes in this and the other acts relating to the ſaid plantations. *Further provided for by* 8 & 9 W. c. 20. ſ. 69.

mentioned act; be it further enacted by the authority aforeſaid, That all the preſent governors and commanders in chief of any *Engliſh* colonies or plantations, ſhall, before the five and twentieth day of *March*, one thouſand ſix hundred ninety ſeven, and all who hereafter ſhall be made governors or commanders in chief of the ſaid colonies or plantations, or any of them, before their entrance into their government, ſhall take a ſolemn oath to do their utmoſt, that all the clauſes, matters and things, contained in the before recited acts of parliament heretofore paſſed, and now in force, relating to the ſaid colonies and plantations, and that all and every the clauſes contained in this preſent act, be punctually and *bona fide* obſerved, according to the true intent and meaning thereof (which oath ſhall be taken before ſuch perſon or perſons as ſhall be appointed by his Majeſty, his heirs and ſucceſſors, who are hereby authorized to adminiſter the ſame) ſo far as appertains unto the ſaid governors or commanders in chief reſpectively; and upon complaint and proof made before his Majeſty, his heirs and ſucceſſors, or ſuch as ſhall be by him or them thereunto authorized and appointed by the oath of two or more credible witneſſes, that any of the ſaid governors or commanders in chief have neglected to take the ſaid oath at the times aforeſaid, or have been wittingly or willingly negligent in doing their duty accordingly, the ſaid governor ſo neglecting or offending ſhall be removed from his government, and forfeit the ſum of one thouſand pounds ſterling.

On neglect, to be removed from his government, and forfeit 1,000 l.

15 Car. 2. c. 7.

V. *And whereas by the ſaid act of the fifteenth of King* Charles *the Second, intituled,* An act for the encouragement of trade, *the governors of the plantations are impowered to appoint an officer for the performance of certain things in the ſaid act mentioned, which ſaid officer is there commonly known by the name of the* naval officer; *and whereas through the connivance or negligence of the perſons ſo appointed by the governors of the ſaid plantations, divers frauds and abuſes are or have been committed*; be it therefore enacted by the authority aforeſaid, That all and every the ſaid officers already appointed ſhall, within two months after notice of this act in the reſpective plantations, or as ſoon as conveniently it may be, give ſecurity to the commiſſioners of the cuſtoms in *England* for the time being, or ſuch as ſhall be appointed by them, for his Majeſty's uſe, for the true and faithful performance of their duty; and all and every perſon or perſons, who ſhall hereafter be appointed to the ſaid office or employment, ſhall within two months, or as ſoon as conveniently it may be, after his or their entrance upon the ſaid office or employment, give ſufficient ſecurity to the commiſſioners of the cuſtoms as aforeſaid, for his Majeſty's uſe, for the true and faithful performance of his or their duty; and in default thereof, the perſon or perſons neglecting or refuſing to give ſuch ſecurity, ſhall be diſabled to execute the ſaid office or employment; and until ſuch ſecurity given, and the perſon appointed to the ſaid office or employment be approved by the commiſſioners of the cuſtoms as aforeſaid, the reſpective governor or governors ſhall be anſwerable for any

Naval officers in the plantations to give ſecurity to the commiſſioners of the cuſtoms in England for performance of their duty, and in default to be diſabled.

the

the offences, neglects or miſdemeanors, of the perſon or perſons ſo by him or them appointed.

Governors in the interim to be anſwerable.

VI. And for the more effectual preventing of frauds, and regulating abuſes in the plantation trade in *America*, be it further enacted by the authority aforeſaid, That all ſhips coming into, or going out of, any of the ſaid plantations, and lading or unlading any goods or commodities, whether the ſame be his Majeſty's ſhips of war, or merchants ſhips, and the maſters and commanders thereof, and their ladings, ſhall be ſubject and liable to the ſame rules, viſitations, ſearches, penalties and forfeitures, as to the entring, lading or diſcharging their reſpective ſhips and ladings, as ſhips and their ladings, and the commanders and maſters of ſhips, are ſubject and liable unto in this kingdom, by virtue of an act of parliament made in the fourteenth year of the reign of King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuſes in his Majeſty's cuſtoms:* and that the officers for collecting and managing his Majeſty's revenue, and inſpecting the plantation trade, in any of the ſaid plantations, ſhall have the ſame powers and authorities, for viſiting and ſearching of ſhips, and taking their entries, and for ſeizing and ſecuring or bringing on ſhore any of the goods prohibited to be imported or exported into or out of any the ſaid plantations, or for which any duties are payable, or ought to have been paid, by any of the before mentioned acts, as are provided for the officers of the cuſtoms in *England* by the ſaid laſt mentioned act made in the fourteenth year of the reign of King *Charles* the Second, and alſo to enter houſes or warehouſes, to ſearch for and ſeize any ſuch goods; and that all the wharfingers, and owners of keys and wharfs, or any lightermen, bargemen, watermen, porters, or other perſons aſſiſting in the conveyance, concealment or reſcue of any of the ſaid goods, or in the hindring or reſiſtance of any of the ſaid officers in the performance of their duty, and the boats, barges, lighters or other veſſels, employed in the conveyance of ſuch goods, ſhall be ſubject to the like pains and penalties as are provided by the ſame act made in the fourteenth year of the reign of King *Charles* the Second, in relation to prohibited or uncuſtomed goods in this kingdom; and that the like aſſiſtance ſhall be given to the ſaid officers in the execution of their office, as by the ſaid laſt mentioned act is provided for the officers in *England*; and alſo that the ſaid officers ſhall be ſubject to the ſame penalties and forfeitures, for any corruptions, frauds, connivances, or concealments, in violation of any the before mentioned laws, as any officers of the cuſtoms in *England* are liable to, by virtue of the ſaid laſt mentioned act; and alſo that in caſe any officer or officers in the plantations ſhall be ſued or moleſted for any thing done in the execution of their office, the ſaid officer ſhall and may plead the general iſſue, and ſhall give this or other cuſtom acts in evidence, and the judge to allow thereof, have and enjoy the like privileges and advantages, as are allowed by law to the officers of his Majeſty's cuſtoms in *England*.

Ships coming into, or going out of, the plantation liable to the ſame rules, &c. as ſhips in England, by 14 Car. 2. c. 11.

And officers of the revenue there to have the ſame powers as officers of the cuſtoms in England.

Penalty on warfingers, &c. aſſiſting in concealment or reſcue of goods.

Like aſſiſtance to be given the officers, and officers ſubject to the ſame penalties as by 13 & 14 Car. 2. c. 11.

General iſſue.

VII. And

One third of the forfeitures to be to the King, another to the governor of the plantation and the other to the proſecutor.

VII. And it is hereby further enacted, That all the penalties and forfeitures before mentioned, not in this act particularly diſpoſed of, ſhall be one third part to the uſe of his Majeſty, his heirs and ſucceſſors, and one third part to the governor of the colony or plantation where the offence ſhall be committed, and the other third part to ſuch perſon or perſons as ſhall ſue for the ſame, to be recovered in any of his Majeſty's courts at *Weſtminſter*, or in the kingdom of *Ireland*, or in the court of admiralty held in his Majeſty's plantations reſpectively, where ſuch offence ſhall be committed, at the pleaſure of the officer or informer, or in any other plantation belonging to any ſubject of *England*, wherein no eſſoin, protection, or wager of law, ſhall be allowed; and that where any queſtion ſhall ariſe concerning the importation or exportation of any goods into or out of the ſaid plantations, in ſuch caſe the proof ſhall lie upon the owner or claimer, and the claimer ſhall be reputed the importer or owner thereof.

Proof to lie on the owner.

VIII. *And whereas in ſome of his Majeſty's* American *plantations, a doubt or miſconſtruction has ariſen upon the before mentioned act, made in the five and twentieth year of the reign of King* Charles *the Second, whereby certain duties are laid upon the commodities therein enumerated (which by law may be tranſported from one plantation to another for the ſupply of each others wants) as if the ſame were by the payment of thoſe duties in one plantation, diſcharged from giving the ſecurities intended by the aforeſaid acts, made in the twelfth, two and twentieth, and three and twentieth years of the reign of King* Charles *the Second, and conſequently be at liberty to go to any foreign market in* Europe, *without coming to* England, Wales, *or* Berwick: it is hereby further enacted and declared, That notwithſtanding the payment of the aforeſaid duties in any of the ſaid plantations, none of the ſaid goods ſhall be ſhipped or laden on board, until ſuch ſecurity ſhall be given as is required by the ſaid acts, made in the twelfth, two and twentieth and three and twentieth years of the reign of King *Charles* the ſecond, to carry the ſame to *England*, *Wales*, or *Berwick*, or to ſome other of his Majeſty's plantations, and ſo *toties quoties*, as any of the ſaid goods ſhall be be brought to be re-ſhipped or laden in any of the ſaid plantations, under the penalty and forfeiture of ſhip and goods, to be divided and diſpoſed of as aforeſaid.

25 Car. 2. c. 7.

No goods to be ſhipped, though duties paid in the plantations, until ſecurity be given as required by 12 Car. 2. c. 18. & 22 & 23 Car. 2. c. 26. on forfeiture of ſhip and goods.

Laws, by-laws, &c. of plantations, repugnant to this act, to be void.

IX. And it is further enacted and declared by the authority aforeſaid, That all laws, by-laws, uſages or cuſtoms, at this time, or which hereafter ſhall be in practice, or endeavoured or pretended to be in force or practice, in any of the ſaid plantations, which are in any wiſe repugnant to the before mentioned laws, or any of them, ſo far as they do relate to the ſaid plantations, or any of them, or which are any ways repugnant to this preſent act, or to any other law hereafter to be made in this kingdom, ſo far as ſuch law ſhall relate to and mention the ſaid plantations, are illegal, null and void, to all intents and purpoſes whatſoever.

X. *And whereas great frauds and abuſes have been committed by* Scotch *men and others in the plantation trade, by obtruding falſe and counter-*

counterfeit certificates upon the governor and officers in the plantations appointed by his Majeſty's commiſſioners of the cuſtoms in England, *of having given ſecurity in this kingdom to bring the ladings of plantation goods to* England, Wales, *or town of* Berwick *upon* Tweed; *as alſo certificates of having diſcharged their lading of plantation goods in this kingdom, purſuant to ſecurities taken in the plantation, and alſo cocquets or certificates of having taken in their ladings of* European *goods in* England, Wales, *or* Berwick; *by means whereof they may carry the goods of* Scotland, *and other places of* Europe, *without ſhipping or lading the ſame in* England, Wales, *or* Berwick, *to his Majeſty's plantations, and alſo carry the goods of the plantations directly to* Scotland, *or to any other market in* Europe, *without bringing the ſame into* England, Wales, *or town of* Berwick *upon* Tweed: it is hereby further enacted, That in ſuch caſes where the governor or officers appointed by the commiſſioners of the cuſtoms in the plantations ſhall have reaſonable ground of ſuſpicion that ſuch certificates are falſe or counterfeit (that is to ſay) that the certificate of having given ſecurity in *England* is falſe, in ſuch caſe the governor or officers appointed by the commiſſioners of the cuſtoms, ſhall require and take ſufficient ſecurity there for the diſcharge of the plantation lading in *England*, *Wales*, or town of *Berwick* upon *Tweed*; and in ſuch caſe where there ſhall be cauſe to ſuſpect, that the certificate of having diſcharged her lading of plantation goods in this kingdom is falſe or counterfeit, the governor or officers aforeſaid ſhall not cancel or vacate the ſecurity given in the plantation, until he or they ſhall be informed from the commiſſioners of the cuſtoms in *England* that the matter of the ſaid certificate is true; and if any perſon or perſons ſhall counterfeit, raſe or falſify any cocket, certificate, return or permit, for any veſſel or goods, or ſhall knowingly or willingly make uſe thereof, ſuch perſon or perſons ſhall forfeit the ſum of five hundred pounds, to be recovered and diſpoſed of as aforeſaid, and the cocket, certificate, return or permit ſo counterfeited, raſed or falſified, ſhall be invalid, and of no effect.

Officers ſuſpecting certificate, to take ſecurity for diſcharge of the plantation lading, and not to cancel certificate till informed of the truth.

Penalty on perſons counterfeiting cockets, &c.

XI. And for the better executing the ſeveral acts of parliament relating to the plantation trade, be it enacted by the authority aforeſaid, That the lord treaſurer, commiſſioners of the treaſury, and the commiſſioners of the cuſtoms in *England* for the time being, ſhall and may conſtitute and appoint ſuch and ſo many officers of the cuſtoms in any city, town, river, port, harbour or creek, of or belonging to any of the iſlands, tracts of land and proprieties, when and as often as to them ſhall ſeem needful; be it further alſo enacted, That upon any actions, ſuits, and informations that ſhall be brought, commenced or entred in the ſaid plantations, upon any law or ſtatute concerning his Majeſty's duties, or ſhips or goods to be forfeited by reaſon of any unlawful importations or exportations, there ſhall not be any jury, but of ſuch only as are natives of *England* or *Ireland*, or are born in his Majeſty's ſaid plantations; and alſo that upon all ſuch actions, ſuits and informations, the offences may be laid

Treaſury and commiſſioners of cuſtoms may appoint officers in any town, port, &c. in the iſlands, &c.

If actions brought in plantations, jury to be natives of England, Ireland, or plantations.

Offence to be laid in any colony.

laid or alledged in any colony, province, county, precinct or diviſion of any of the ſaid plantations where ſuch offences are alledged to be committed, at the pleaſure of the officer or informer.

Places of truſt to be in the hands of the natives.

XII. Provided always, That all places of truſt in the courts of law, or what relates to the treaſury of the ſaid iſlands, ſhall, from the making of this act, be in the hands of the native-born ſubjects of *England* or *Ireland*, or of the ſaid iſlands.

XIII. *And whereas by the ſaid act made in the two and twentieth and three and twentieth years of the reign of his ſaid late majeſty King* Charles *the Second, the bonds required to be given in the plantations by virtue of the ſaid act, for encouraging and increaſing of ſhipping and navigation, are altered, and the word* Ireland *to be left out of the condition of all ſuch bonds; and by the ſaid act it is enacted and provided, That for ſuch ſhips or veſſels coming from other ports or places, to any of the ſaid plantations, which by the ſaid act for encouraging and increaſe of ſhipping were permitted to trade there, the governors of ſuch* Engliſh *plantations ſhould, before the ſaid ſhip or veſſel ſhould be permitted to load on board any of the commodities in the ſaid act particularly mentioned, take bond in manner and to the value mentioned and directed in the above mentioned act for encouraging and increaſe of ſhipping and navigation, for each reſpective ſhip or veſſel, that ſuch ſhip or veſſel ſhall carry all the aforeſaid goods, that ſhould be laden on board in the ſaid ſhip, to ſome other of his Majeſty's* Engliſh *plantations, or to* England, Wales, *or town of* Berwick *upon* Tweed: *but becauſe no proviſion hath hitherto been made for the returning and producing certificates within ſome reaſonable limited time, of the landing and diſcharging ſuch goods, according to the condition of the ſaid bonds, and alſo becauſe many times it hath happened, that the ſureties taken in the ſaid bonds have been perſons not reſident in the ſaid plantations, but of uncertain and unknown abodes, the ſaid bonds have proved ineffectual to the good purpoſes intended by the ſaid acts;* be it therefore enacted by the authority aforeſaid, That in all ſuch bonds, to be hereafter given or taken in the ſaid plantations, the ſureties therein named ſhall be perſons of known reſidence and ability in the ſaid plantations, for the value mentioned in the ſaid bonds, and that the condition of the ſaid bonds ſhall be, within eighteen months after the date thereof (the danger of the ſeas excepted) to produce certificate of having landed and diſcharged the goods therein mentioned, in one of his Majeſty's ſaid plantations, or in *England*, *Wales*, or *Berwick* upon Tweed, otherwiſe ſuch bond, or copies thereof, being atteſted under the hand and ſeal of the governor or commander in chief to whom ſuch bonds, were given, ſhall be in force, and allowed of in any court in *England*, *Ireland*, or the plantations as if the original were produced in court by the proſecutor.

Bonds given in plantations, ſureties to be of ability.

Condition of the bonds. *Farther proviſions relating to ſuch bonds, by* 8 Annæ, c. 13. ſ. 23.

XIV. *And whereas ſeveral ſhips and veſſels laden with tobacco, ſugars, and other goods of the growth and product of his Majeſty's plantations in* America, *have been diſcharged in ſeveral ports of the kingdoms of* Scotland *and* Ireland, *contrary to the laws and ſtatutes now in being, under pretence that the ſaid ſhips and veſſels were driven*

in

in thither by ſtreſs of weather, or for want of proviſions, and other diſabilities could not proceed on their voyage: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of *December*, one thouſand ſix hundred ninety ſix, it ſhall not be lawful, on any pretence whatſoever, to put on ſhore in the ſaid kingdoms of *Scotland* or *Ireland*, any goods or merchandize of the growth or product of any of his Majeſty's plantations aforeſaid, unleſs the ſame have been firſt landed in the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and paid the rates and duties wherewith they are chargeable by law, under the penalty of the forfeiture of the ſhip and goods; three fourths without compoſition to his Majeſty, his heirs and ſucceſſors, and the other fourth to him or them that ſhall ſue for the ſame.

Product of the plantations not to be put on ſhore in Scotland, or Ireland, unleſs duties be firſt paid in England.

XV. Provided, nevertheleſs, That if any ſhip or veſſel laden as aforeſaid, ſhall by ſtreſs of weather be ſtranded, or by reaſon of leakineſs, or other diſability, ſhall be driven into any port or place within the kingdom of *Ireland*, and ſhall not be able to proceed on her voyage; then and in ſuch caſe only the ſaid goods and merchandizes may be permitted to be put on ſhore, but ſhall be delivered into the cuſtody and poſſeſſion of the collector or chief officer of the cuſtoms of ſuch port or place where the ſaid ſhip ſhall be ſo ſtranded or driven into, there to remain until the ſaid goods and merchandize ſhall, at the charge of the owner thereof, be put on board ſome other ſhip or veſſel, in order to be tranſported and carried to ſome other port or place within the ſaid kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, the ſaid officer firſt taking good and ſufficient ſecurity for the delivery of the ſame, according to the true intent and meaning of this act.

If ſhip ſtranded in Ireland, goods may be put on ſhore, and kept in cuſtody of the officer of the cuſtoms, till ſhipped again for England.

Officer to take ſecurity for delivery.

XVI. And be it further enacted by the authority aforeſaid, That all perſons and their aſſignees, claiming any right or propriety in any iſlands or tracts of land upon the continent of *America*, by charter or letters patents, ſhall not at any time hereafter aliene, ſell or diſpoſe of any of the ſaid iſlands, tracts of lands or proprieties, other than to the natural-born ſubjects of *England*, *Ireland*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, without the licence and conſent of his Majeſty, his heirs and ſucceſſors, ſignified by his or their order in council, firſt had and obtained; and all governors nominated and appointed by any ſuch perſons or proprietors, who ſhall be intitled to make ſuch nomination, ſhall be allowed and approved of by his Majeſty, his heirs and ſucceſſors, as aforeſaid, and ſhall take the oaths injoined by this or any other act to be taken by the governors or commanders in chief in other his Majeſty's colonies and plantations, before their entring upon their reſpective governments, under the like penalty, as his Majeſty's governors and commanders in chief are by the ſaid acts liable to.

Perſons not to ſell plantations in America, but to ſubjects of England, &c.

Governors to be approved of by the King and to take the oaths.

Penalty.

XVII. And for a more effectual prevention of frauds which may be uſed to elude the intention of this act, by colouring foreign ſhips under *Engliſh* names; be it further enacted by the

Engliſh built ſhips to be regiſtred, and proof made on

oath before the collector of the cuſtoms;

the authority aforeſaid, That from and after the five and twentieth day of *March*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety eight, no ſhip or veſſel whatſoever ſhall be deemed or paſs as a ſhip of the built of *England*, *Ireland*, *Wales*, *Berwick*, *Guernſey*, *Jerſey*, or any of his Majeſty's plantations in *America*, ſo as to be qualified to trade to, from or in any of the plantations, until the perſon or perſons claiming property in ſuch ſhip or veſſel ſhall regiſter the ſame as followeth, that is to ſay, if the ſhip at the time of ſuch regiſter doth belong to any port in *England*, *Ireland*, *Wales*, or to the town of *Berwick* upon *Tweed*, then proof ſhall be made upon oath of one or more of the owners of ſuch ſhip or veſſel, before the collector and comptroller of his Majeſty's cuſtoms in ſuch port; or if at the time of ſuch regiſter the ſhip belong to any of his Majeſty's plantations in *America*, or to the iſlands of *Guernſey* or *Jerſey*, then the like proof to be made before the governor, together with the principal officer of his Majeſty's revenue reſiding on ſuch plantation or iſland, which oath the ſaid governors and officers of the cuſtoms reſpectively are hereby authorized to adminiſter in the tenor following, *viz.*

or, if belonging to America, &c. before the governor, &c.

The oath.

JURAT' *A. B. That the ſhip* [*name*] *of* [*port*] *whereof* [*maſter's name*] *is at preſent maſter, being a* [*kind of built*] *of* [*burthen*] *tuns, was built at* [*place, where*] *in the year* [*time when*] *and that* [*owners name*] *of and of*, &c. *are at preſent owners thereof; and that no foreigner, directly or indirectly, hath any ſhare, or part, or intereſt therein.*

Oath to be atteſted by the governor, and a duplicate to be tranſmitted.

XVIII. Which oath, being atteſted by the governor, or cuſtom officer reſpectively, who adminiſtred the ſame, under their hands and ſeals, ſhall after having been regiſtred by them, be delivered to the maſter of the ſhip for the ſecurity of her navigation, a duplicate of which regiſter ſhall be immediately tranſmitted to the commiſſioners of his Majeſty's cuſtoms in the port of *London*, in order to be entred in a general regiſter, to be there kept for this purpoſe, with penalty upon any ſhip or veſſel trading to, from or in any of his Majeſty's plantations in *America*, after the ſaid five and twentieth day of *March*, and not having made proof of her built and property, as is here directed, that ſhe ſhall be liable, and ſhe is hereby made liable, to ſuch proſecution and forfeiture as any foreign ſhip (except prizes condemned in the high court of admiralty) would for trading with theſe plantations by this law be liable to.

Penalty on ſhip trading to America without proof of her built.

Prize-ſhips to be regiſtred, and oath made that the property is Engliſh.

XIX. Provided always, That all ſuch ſhips as have been or ſhall be taken at ſea by letters of mart or reprizal, and condemnation thereof made in the high court of admiralty of *England* as lawful prize, ſhall be ſpecially regiſtred, mentioning the capture and condemnation inſtead of the time and place of building, with proof alſo upon oath, that the entire property is *Engliſh*

liſh, before any ſuch prize ſhall be allowed the privilege of an *Engliſh* built ſhip, according to the meaning of this act.

Fiſher-boats, hoys, &c. not to be regiſtred.

XX. Provided alſo, That nothing in this act ſhall be conſtrued to require the regiſtring any fiſher-boats, hoys, lighters, barges, or any open boats or other veſſels (though of *Engliſh* or plantation built) whoſe navigation is confined to the rivers or coaſts of the ſame plantation or place where they trade reſpectively, but only of ſuch of them as croſs the ſeas to or from any of the lands, iſlands, places or territories, in this act before recited, or from one plantation to another.

Ship's name not to be altered without regiſtring *de novo*, and if ſold, ſuch ſale to be indorſed on the regiſter's certificate.

XXI. And be it further enacted by the authority aforeſaid, That no ſhip's name regiſtred ſhall be afterwards changed, without regiſtring ſuch ſhip *de novo*, which is hereby required to be done upon any transfer of property to another port, and delivering up the former certificate to be cancelled, under the ſame penalties, and in the like method, as is herein before directed; and that in caſe there be any alteration of property in the ſame port, by the ſale of one or more ſhares in any ſhip after regiſtring thereof, ſuch ſale ſhall always be acknowledged by indorſement on the certificate of the regiſter before two witneſſes, in in order to prove that the entire property in ſuch ſhip remains to ſome of the ſubjects of *England*, if any diſpute ariſes concerning the ſame.

CAP. XXIII.

An act for continuing ſeveral former acts for puniſhing officer and ſoldiers who ſhall mutiny or deſert his Majeſty's ſervice, and for puniſhing falſe muſters, and for payment of quarters, for one year longer. EXP.

CAP. XXIV.

An act requiring the practiſers of law to take the oaths, and ſubſcribe the declaration therein mentioned.

FOR the better ſecurity of his Majeſty's government, and the publick peace of this kingdom; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this parliament aſſembled, and by the authority of the ſame, That if any perſon at any time after the five and twentieth day of *May*, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix, ſhall act as a ſerjeant at law, councellor at law, barriſter, advocate, attorney, ſollicitor, procter, clerk or notary, by practiſing in any manner as ſuch in any court or courts whatſoever, not having, before the time of ſuch acting, taken in his Majeſty's court of *Chancery*, or *King's Bench*, or quarter ſeſſions of the county wherein he lives, the oaths mentioned and appointed to be taken in and by one act made in the firſt year of the reign of King *William* and Queen *Mary*, intituled, *An act for the abrogating of the oaths of allegiance and ſupremacy, and apppointing other oaths*, and made and ſubſcribed the declaration appointed to be made and ſubſcribed in and by one act made in the five and twentieth year of the reign of King *Charles* the Second, intituled, *An act* 25 Car. 2. c. 2.

Perſons practiſing law not taking the oaths by 1 W. & M. ſ. 1. c. 8. to incur the penalties in ſtatute of premunire, 16 R. 2. c. 5.

for preventing dangers which may happen from popiſh recuſants, ſuch perſons ſhall incur all the pains, penalties, and forfeitures, mentioned in the ſtatute of proviſion and premunire, made in the ſixteenth year of the reign of King *Richard* the Second.

CAP. XXV.

An act for the further regulating elections of members to ſerve in parliament, and for the preventing irregular proceedings of ſheriffs, and other officers, in the electing and returning ſuch members.

WHEREAS *by the evil practices and irregular proceedings of ſheriffs, under ſheriffs, mayors, bailiffs, and other officers, in the execution of writs and precepts for electing of members to ſerve in parliament, as well the freeholders and others, in their right of election, as alſo the perſons by them elected to be their repreſentatives, have heretofore been greatly injured and abuſed:* now for remedying the ſame, and preventing the like for the future, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That when any new parliament ſhall at any time hereafter be ſummoned or called, there ſhall be forty days between the *teſte* and returns of the writs of ſummons; and that the lord chancellor, lord keeper, or lords commiſſioners of the great ſeal for the time being, ſhall iſſue out the writs for election of members to ſerve in the ſame parliament, with as much expedition as the ſame may be done; and that as well upon the calling or ſummoning any new parliament, as alſo in caſe of any vacancy during this preſent or any future parliament, the ſeveral writs ſhall be delivered to the proper officer to whom the execution thereof doth belong or appertain, and to no other perſon whatſoever: and that every ſuch officer, upon the receipt of the ſame writ, ſhall upon the back thereof indorſe the day he received the ſame, and ſhall forthwith, upon receipt of the writ, make out the precept or precepts to each borough, town corporate, port, or place within his juriſdiction, where any member or members are to be elected to ſerve in ſuch new parliament, or to ſupply any vacancy during the preſent, or any future parliament; and within three days after the receipt of the ſaid writ of election, ſhall, by himſelf or proper agent, deliver or cauſe to be delivered, ſuch precept or precepts to the proper officer of every ſuch borough, town corporate, port or place within his juriſdiction, to whom the execution of ſuch precept doth belong or appertain, and to no other perſon whatſoever; and every ſuch officer, upon the back of the ſame precept, ſhall indorſe the day of his receipt thereof, in the preſence of the party from whom he received ſuch precept, and ſhall forthwith cauſe publick notice to be given of the time and place of election, and ſhall proceed to election thereupon, within the ſpace of eight days next after his receipt of the ſame precept, and give four days notice at leaſt of the day appointed for the election.

Forty days between the *teſte* and return of the writ.

Writ to be iſſued out with all expedition, and delivered to the proper officer, who is to indorſe the day when received, and make out the precept.

Precept to be delivered in three days after receipt of the writ. *By 10 & 11 W. 3. c. 7. ſ. 2. Theſe three are enlarged to ſix.*

Officer to indorſe the day of receipt, and give 4 days notice of the time of election in 8 days after.

II. And

Sheriff, &c. not to give or take any fee for making out receipt, &c. of any writ or precept.

II. And be it further enacted by the authority aforeſaid, That neither the ſheriff or his under ſheriff, in any county or city, nor the mayor, bailiff, conſtable, port-reeve, or other officer or officers of any borough, town corporate, port or place, to whom the execution of any writ or precept for electing members to ſerve in parliament doth belong or appertain, ſhall give, pay, receive, or take any fee, reward, or gratuity whatſoever, for the making out, receipt, delivery, return, or execution of any ſuch writ or precept.

County court to be held at the uſual place, and proceed to election, unleſs it fall out in 6 days after receipt of the writ.

III. And be it further enacted by the authority aforeſaid, That upon every election to be made of any knight or knights of the ſhire to ſerve in this preſent or any future parliament, the ſheriff of the county where ſuch election ſhall be made, ſhall hold his county court for the ſame election at the moſt publick and uſual place of election within the ſaid county, and where the ſame has moſt uſually been for forty years laſt paſt and ſhall there proceed to election at the next county court, unleſs the ſame fall out to be held within ſix days after the receipt of the writ, or upon the ſame day, and then ſhall adjourn the ſame court to ſome convenient day, giving ten days notice of the time and place of election; and in caſe the ſaid election be not determined upon the view, with the conſent of the freeholders there preſent, but that a poll ſhall be required for determination thereof, then the ſaid ſheriff, or in his abſence his under ſheriff, with ſuch others as ſhall be deputed by him, ſhall forthwith there proceed to take the ſaid poll, in ſome open or publick place or places, by the ſame ſheriff, or his under ſheriff, as aforeſaid, in his abſence, or others appointed for the taking thereof, as aforeſaid; and for the more due orderly proceeding in the ſaid poll, the ſaid ſheriff, or in his abſence his under ſheriff, or ſuch as he ſhall depute, ſhall appoint ſuch number of clerks as to him ſhall ſeem meet and convenient for taking thereof; which clerks ſhall all take the ſaid poll, in the preſence of the ſaid ſheriff, or his under ſheriff, or ſuch as he ſhall depute: and before they begin to take the ſaid poll, every clerk ſo appointed ſhall, by the ſaid ſheriff or his under ſheriff, as aforeſaid, be ſworn truly and indifferently to take the ſame poll, and to ſet down the names of each freeholder, and the place of his freehold, and for whom he ſhall poll, and to poll no freeholder, who is not ſworn, if ſo required by the candidates, or any of them (which oath of the ſaid clerks, the ſaid ſheriff or his under ſheriff, or ſuch as he ſhall depute, are hereby impowered to adminiſter) and the ſheriff, or in his abſence his under ſheriff, as aforeſaid, ſhall appoint for each candidate, ſuch one perſon as ſhall be nominated to him by each candidate, to be inſpectors of every clerk who ſhall be appointed for taking the poll; and every freeholder, before he is admitted to poll at the ſame election, ſhall, if required by the candidates, or any of them, firſt take the oath herein after mentioned; which oath the ſaid ſheriff, by himſelf or his under ſheriff, or ſuch ſworn clerks by him appointed for taking of the ſaid poll, as aforeſaid, are hereby authorized to adminiſter (*viz.*)

Sheriff, &c. to take the poll, if required, and to appoint a number of clerks, who are to be ſworn.

Name of each freeholder to be ſet down, and for whom he polls, and a perſon for each candidate to inſpect the clerks.

Freeholder to be ſworn.

The oath. *Another oath is appointed by* 18 Geo. 2. c. 18.

YOU *ſhall ſwear that you are a freeholder for the county of and have freehold lands or hereditaments of the yearly value of forty ſhillings, lying at within the ſaid county of and that you have not been before polled at this election.*

Perſons convicted of perjury, or ſubornation, to incur the penalty in 5 El. c. 9.

IV. And in caſe any freeholder, or any other perſon taking the ſaid oath, ſhall thereby commit wilful and corrupt perjury, and be thereof convicted, or if any perſon do unlawfully and corruptly procure or ſuborn any freeholder, or other perſon, to take the ſaid oath, in order to be polled, whereby he ſhall commit ſuch wilful and corrupt perjury, and ſhall be thereof convicted; he and they, for every ſuch offence, ſhall incur the like pains and penalties as are, in and by one act of parliament made in the fifth year of the reign of the late Queen *Elizabeth*, intituled, *An act for puniſhment of ſuch perſons as ſhall procure or commit any wilful perjury*, enacted againſt all ſuch who ſhall commit wilful perjury, or ſuborn or procure any perſon to commit any unlawful and corrupt perjury contrary to the ſaid act.

Sheriff not to adjourn the court, unleſs the candidates conſent.

V. And be it further enacted by the authority aforeſaid, That the ſaid ſheriff, or in his abſence his under ſheriff, or ſuch as he ſhall depute, as aforeſaid, ſhall at the ſame place of election proceed to the polling all the freeholders then and there preſent, and ſhall not adjourn the county court then and there held, to any other town or place within the ſame county, without the conſent of the candidates, nor ſhall, by any unneceſſary adjournment in the ſame place of election, protract or delay the election; but ſhall duly and orderly proceed in the taking of the ſaid poll from day to day, and time to time, without any further or other adjournment, without the conſent of the candidates, until all the freeholders then and there preſent ſhall be polled, and no longer.

Copy of the poll to be delivered, if deſired, paying for writing.

VI. And be it further enacted, That every ſheriff, under ſheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept ſhall belong for the electing members to ſerve in parliament, ſhall forthwith deliver to ſuch perſon or perſons, as ſhall deſire the ſame, a copy of the poll taken at ſuch election, paying only a reaſonable charge for writing the ſame: and every ſheriff, under ſheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept for electing of members to ſerve in parliament doth belong, for every wilful offence contrary to this act ſhall forfeit to every party ſo aggrieved the ſum of five hundred pounds, to be recovered by him or them, his or their executors or adminiſtrators, together with full coſts of ſuit, and for which he or they may ſue by action of debt, bill, plaint, or information, in any of his Majeſty's courts at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege, or imparlance, ſhall be admitted or allowed.

Penalty on ſheriffs, &c. committing wilful offence.

None to vote by reaſon of truſts, &c. unleſs in actual

VII. And be it alſo enacted, That no perſon or perſons ſhall be allowed to have any vote in election of members to ſerve in parliament, for or by reaſon of any truſt eſtate, or mortgage, unleſs

unleſs ſuch truſtee or mortgagee be in actual poſſeſſion or receipt of the rents and profits of the ſame eſtate; but that the mortgager, or *Ceſtui que truſt*, in poſſeſſion, ſhall and may vote for the ſame eſtate, notwithſtanding ſuch mortgage or truſt; and that all conveyances of any meſſuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port or place, in order to multiply voices, or to ſplit and divide the intereſt in any houſes or lands among ſeveral perſons, to enable them to vote at elections of members to ſerve in parliament, are hereby declared to be void and of none effect, and that no more than one ſingle voice ſhall be admitted for one and the ſame houſe or tenement.

poſſeſſion; but mortgager may vote. Conveyances in order to multiply. Voices void. *By* 10 *Annæ*, *c.* 23. *ſ.* 1. *all conveyances to qualify perſons for voting are made abſolute.* But one voice for one houſe.

VIII. And be it further enacted, That no perſon whatſoever, being under the age of one and twenty years, ſhall at any time hereafter be admitted to give his voice for election of any member or members to ſerve in this preſent, or any future parliament; and that no perſon hereafter ſhall be capable of being elected a member to ſerve in this or any future parliament, who is not of the age of one and twenty years; and every election or return of any perſon under that age is hereby declared to be null and void; and if any ſuch minor hereafter choſen ſhall preſume to ſit or vote in parliament, he ſhall incur ſuch penalties and forfeitures, as if he had preſumed to ſit and vote in parliament without being choſen or returned.

None under 21 years to vote, or to be elected members. Penalty.

IX. *And whereas the county court of the county of* York *is by cuſtom called and held upon* Mondays, *which hath long been complained of to be a very inconvenient day to all the ſuitors thereunto, who at the elections of knights of the ſhire, and all ſervices at other times, are forced to travel upon* Sundays *to their attendance there, to their very great diſſatisfaction and grievance*; be it therefore enacted by the authority aforeſaid, That all county courts, after the five and twentieth day of *March*, one thouſand ſix hundred ninety ſix, held for the county of *York*, or any other county courts, which heretofore uſed to be held on a *Monday*, ſhall be called and begun upon a *Wedneſday*, and not otherwiſe; any cuſtom or uſage to the contrary notwithſtanding.

County courts for York to be held on Wedneſday.

X. Provided alſo, and be it enacted by the authority aforeſaid, That the ſheriff of the county of *Southampton*, or his deputy, at the requeſt of one or more of the candidates for election of a knight or knights for that county, ſhall adjourn the poll from *Wincheſter*, after every freeholder then and there preſent is polled, to *Newport* in the iſle of *Wight*, for the eaſe of the inhabitants of the ſaid iſland; any thing in this act contained to the contrary notwithſtanding.

Poll may be adjourned from Wincheſter to Newport in the iſle of Wight.

CAP. XXVI.

An act for repairing the highways between Wymondham and Attleborough in the county of Norfolk. To be in force 15 years, unleſs the road be amended before, and the money borrowed be repaid.

Continued by 12 *Geo.* 1. *c.* 22. *and for* 21 *years from* 25 *Mar.* 1747. *by* 20 Geo. 2. c. 16.

CAP.

CAP. XXVII.

An act for the better ſecurity of his Majeſty's royal perſon and government.

WHEREAS *the welfare and ſafety of this kingdom, and the reformed religion, do, next under God, intirely depend upon the preſervation of your Majeſty's royal perſon and government, which by the merciful providence of God of late have been delivered from the bloody and barbarous attempts of traitors and other your Majeſty's enemies, who, there is juſt reaſon to believe, have in great meaſure been encouraged to undertake and proſecute ſuch their wicked deſigns, partly by your Majeſty's great and undeſerved clemency towards them, and partly by the want of a ſufficient proviſion in the law, for the ſecuring officers and places of truſt to ſuch as are well affected to your Majeſty's government, and for the repreſſing and puniſhing ſuch as are known to be diſaffected to the ſame:* For remedy whereof may it pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *May*, one thouſand ſix hundred ninety ſix, all and every perſon and perſons who ſhall refuſe to take the oaths mentioned and appointed to be taken in an act of parliament made in the firſt year of the reign of his preſent Majeſty and the late Queen of bleſſed memory, intituled, *An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths*, or either of them, when tendred to him or them by any perſons lawfully authorized to adminiſter or tender the ſame, or ſhall refuſe or neglect to appear when lawfully ſummoned, in order to have the ſaid oaths tendred to him or them, ſhall, until he or they have duly taken the ſaid oaths, be liable to incur, forfeit, pay and ſuffer all and every the penalties, forfeitures, ſums of money, diſabilities and incapacities, which by the laws and ſtatutes of this realm, now in force, or any of them, are inflicted upon popiſh recuſants duly convict of recuſancy: and for the better and more orderly levying and anſwering the ſaid penalties and forfeitures to his Majeſty, his heirs and ſucceſſors, the perſons ſo tendring the ſaid oaths ſhall, upon every ſuch refuſal or default of appearance as aforeſaid, record and enter in parchment the chriſtian and ſurnames, and the place of abode of the perſon or perſons ſo refuſing, or not appearing as aforeſaid, to take the ſaid oaths, or either of them, together with the time of ſuch tender and refuſal, or default of appearance, and ſhall deliver and certify the ſaid record or entry to the juſtices of aſſize, juſtices of *oyer* and *terminer*, or gaol delivery, at their next ſeſſion within the ſame county, who ſhall forthwith eſtreat and certify the ſame into his Majeſty's court of *Exchequer*, to be there entred of record, to the end that the ſaid court of *Exchequer* may thereupon award and iſſue ſuch proceſs againſt the lands

Perſons refuſing to take the oaths by 1 W. & M. ſ. 1. c. 8. liable to the penalties inflicted on popiſh recuſants.

Names of perſons refuſing to be entred on record.

Record to be certified to the juſtices of aſſize.

lands and goods of the ſaid perſon or perſons mentioned in ſuch eſtreat or certificate, as may by the laws and ſtatutes of this realm be awarded and iſſued againſt the lands or goods of a popiſh recuſant convict. Exchequer to iſſue proceſs againſt lands and goods.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall, from and after the ſaid firſt day of *May*, maliciouſly, by writing, printing, preaching, teaching, or adviſed ſpeaking, utter, publiſh or declare, That his preſent Majeſty is not the lawful and rightful King of theſe realms, or that the late King *James*, or the pretended prince of *Wales*, hath any right or title to the crown of theſe realms, or that any other perſon or perſons hath or have any right or title to the ſame, otherwiſe than according to an act of parliament made in the firſt year of the reign of his preſent Majeſty, and the late Queen, intituled, *An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown*, ſuch perſon or perſons, being thereof lawfully convicted, ſhall incur the danger and penalty of *premunire*, mentioned in the ſtatute of *premunire*, made in the ſixteenth year of the reign of King *Richard* the Second. Perſons denying his Majeſty's right, or affirming that of others, on conviction to incur the penalty of premunire made 16 R. 2. c. 5. 1 W. & M. ſeſſ. 2. c. 2.

III. *And whereas for the better preſervation of his Majeſty's royal perſon and government againſt the aforeſaid wicked and traiterous deſigns, upon a full diſcovery thereof, great numbers of his Majeſty's good ſubjects have entred into and ſubſcribed an aſſociation in the words following*, viz.

WHEREAS *there has been a horrid and deteſtable conſpiracy, formed and carried on by papiſts, and other wicked and traiterous perſons for aſſaſſinating his Majeſty's royal perſon, in order to encourage an invaſion from* France, *to ſubvert our religion, laws and liberty: we whoſe names are hereunto ſubſcribed, do heartily, ſincerely and ſolemnly profeſs, teſtify and declare, That his preſent Majeſty King* William *is rightful and lawful King of theſe realms. And we do mutually promiſe and engage to ſtand by and aſſiſt each other to the utmoſt of our power, in the ſupport and defence of his Majeſty's moſt ſacred perſon and government, againſt the late King* James, *and all his adherents. And in caſe his Majeſty come to any violent or untimely death (which God forbid) we do hereby further freely and unanimouſly oblige ourſelves to unite, aſſociate and ſtand by each other, in revenging the ſame upon his enemies and their adherents, and in ſupporting and defending the ſucceſſion of the crown, according to an act made in the firſt year of the reign of King* William *and Queen* Mary, *intituled*, An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown. Form of the aſſociation. *By 11 & 12 W. 3. c. 17. and 1 Annæ, ſtat. 1. c. 22. ſ. 3. ſo much of this act as relates to this aſſociation is repealed.* 1 W. & M. ſ. 2. c. 2.

IV. Be it therefore declared and enacted by the authority aforeſaid, That the ſaid aſſociation ſo entred into and ſubſcribed, and every part thereof, was, is, and ſhall ſtand, remain, and be, good and lawful to all intents, conſtructions, and purpoſes whatſoever, according to the true meaning, intent, and purport of the ſame. Aſſociation to remain good and lawful.

V. And

Commiſſioners of accounts and officers under the King, &c. within 30 miles of London,

V. And be it further enacted by the authority aforeſaid, That the commiſſioners appointed by an act of this preſent parliament, for the taking, examining and ſtating the publick accounts, and all and every perſon or perſons that ſhall bear any office or offices, civil or military, or ſhall receive any pay, ſalary, fee or wages, by reaſon of any patent or grant from his Majeſty, or ſhall have command, or place of truſt from or under his Majeſty, or from any of his Majeſty's predeceſſors, or by his or their authority, or by authority derived from him or them, within the realm of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, or in his Majeſty's navy, or in the ſeveral iſlands of *Jerſey* and *Guernſey*, or ſhall be of the houſhold, or in the ſervice or imployment of his Majeſty, or of his royal highneſs prince *George*, or her royal highneſs the princeſs *Anne* of *Denmark*, who ſhall inhabit, or reſide or be within the cities of *London* or *Weſtminſter*, or within thirty miles diſtant from the ſame, on the firſt day of Eaſter term, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety and ſix, or at any time during the ſaid term, all and every the ſaid perſon and perſons ſhall perſonally appear before the end of the ſaid term, or *Trinity* term next following, in his Majeſty's high court of *Chancery*, or in his Majeſty's court of *King's Bench*, and there in publick and open court, between the hours of nine of the clock and twelve in the forenoon, ſubſcribe the aforeſaid aſſociation; and during the time of ſubſcribing thereof by the ſaid perſon and perſons, all pleas and proceedings in the ſaid reſpective courts ſhall ceaſe; and that all and every of the ſaid reſpective perſons and officers, not having ſigned the ſaid aſſociation in the ſaid reſpective courts, as aforeſaid, ſhall, on or before the firſt day of *Auguſt*, one thouſand ſix hundred ninety and ſix, at the quarter ſeſſions for that county, riding, liberty or place, where he or they ſhall be, inhabit or reſide, on the firſt day of *July*, one thouſand ſix hundred ninety ſix, ſubſcribe the ſaid aſſociation in open court, between the ſaid hours of nine and twelve of the clock in the forenoon.

ſhall in Eaſter term ſubſcribe the aſſociation,

or before 1 Aug. at the quarter-ſeſſions.

Perſons admitted into office, to ſubſcribe the ſaid aſſociation, and the declaration in 25 Car. 2. c. 2.

VI. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons that ſhall be admitted, entred, placed or taken into any office or offices, civil or military, or ſhall receive any pay, ſalary, fee or wages, by reaſon of any patent or grant of his Majeſty, or ſhall have command or place of truſt from or under his Maieſty, or by his authority, or by authority derived from him, within this realm of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, or in his Majeſty's navy, or in the ſeveral iſlands of *Jerſey* and *Guernſey*, or that ſhall be admitted into any ſervice or imployment in his Majeſty's houſhold or family, after the firſt day of *Eaſter* term aforeſaid, all and every ſuch perſon or perſons ſhall ſubſcribe the ſaid aſſociation at the ſame time that he or they ſhall make and ſubſcribe the declaration mentioned in a ſtatute made in the five and twentieth year of King *Charles* the Second, intituled, *An act for preventing dangers from popiſh recuſants.*

VII. And

VII. And be it further enacted by the authority aforeſaid, That all and every the perſon or perſons aforeſaid, that do or ſhall neglect or refuſe to ſubſcribe the ſaid aſſociation in the ſaid courts and places, and at the reſpective times aforeſaid, ſhall be, *ipſo facto*, adjudged incapable and diſabled in law, to all intents and purpoſes whatſoever, to have, occupy or enjoy, the ſaid office or offices, imployment or imployments, or any part of them, or any matter or thing aforeſaid, or any profit or advantage appertaining to them, or any of them and every ſuch office and place, imployment and imployments, ſhall be void, and is hereby adjudged void.

Perſons neglecting or refuſing to ſubſcribe the aſſociation, to be uncapable of their office.

VIII. And be it further enacted, That all and every ſuch perſon or perſons that ſhall neglect or refuſe to ſubſcribe the ſaid aſſociation within the times and in the places aforeſaid, and in the manner aforeſaid, and yet after ſuch neglect or refuſal ſhall, by him or themſelves, his or their deputy or truſtee, execute any of the ſaid offices or imployments after the ſaid times expired, wherein he or they ought to have ſubſcribed the ſame, and being thereof lawfully convicted, he or they ſo executing any of the ſaid offices or imployments, ſhall incur, and be ſubject to ſuch forfeitures and penalties, as if he or they had neglected or refuſed to make and ſubſcribe the ſaid declaration in the ſaid laſt recited act mentioned, the ſame to be recovered in ſuch manner as in and by the ſaid act is appointed.

Penalty on perſons executing office after neglect or refuſal.

IX. And further, it ſhall and may be lawful, to and for the reſpective courts aforeſaid, to tender the ſaid aſſociation to the perſon and perſons aforeſaid, in manner as aforeſaid; and upon due tender of any ſuch perſon or perſons to ſubſcribe the ſaid aſſociation, the ſaid courts are hereby required and enjoined to admit thereof; of which ſubſcription there ſhall be the like regiſter kept, as by the ſaid laſt mentioned ſtatute is directed to be kept, of the ſubſcribing the declaration therein mentioned.

A like regiſter to be kept of ſubſcriptions as directed for ſubſcribing the declaration.

X. Provided always, That any perſon who by neglect or refuſal, according to this act, ſhall loſe or forfeit any office, may be capable of a new grant of the ſaid office, or of any other, and to have and hold the ſame again, ſuch perſon ſubſcribing the ſaid aſſociation, in ſuch manner as aforeſaid, ſo as ſuch office be not granted to, and actually enjoyed by ſome other perſon at the time of the regranting thereof.

Perſons forfeiting by neglect may have a new grant on ſubſcribing the aſſociation.

XI. Provided always, and be it enacted by the authority aforeſaid, That no perſon ſhall be proſecuted by virtue of this act, for any words ſpoken, unleſs the information of ſuch words be given upon oath, to one or more juſtice or juſtices of the peace, within three days after ſuch words ſpoken, and the proſecution of ſuch offence be within three months after ſuch information; and that no perſon ſhall be convicted by virtue of this act, but upon the oaths of two credible witneſſes for any ſuch words ſpoken, any thing in this act to the contrary in any wiſe notwithſtanding.

None to be proſecuted for words unleſs information be in 3 days after and proſecution in three months; nor conviction but on oath of 2 witneſſes.

XII. Provided always, and be it enacted by the authority aforeſaid, That ſuch of the diſſenters from the church of *England*,

Quakers may ſubſcribe the declaration of

fidelity of 1 W. & M. ſ. 1. c. 18.

land, called *Quakers*, who ſcruple the taking any oath, as ſhall make and ſubſcribe the declaration of fidelity, mentioned in an act made in the firſt year of the reign of his preſent Majeſty and the late Queen *Mary*, intituled, *An act for exempting their Majeſties proteſtant ſubjects diſſenting from the church of* Engiand, *from the penalties of certain laws*, and ſhall produce ſuch witneſſes and certificates as are by the ſaid act required, proving themſelves to be of the ſaid people called *Quakers*, and ſhall alſo own King *William* to be rightful and lawful King of theſe realms, ſhall and are hereby exempted from the penalties and forfeitures provided by this act for ſuch as ſhall refuſe to take the oaths to his Majeſty.

Servants to the prince and princeſs to ſubſcribe the aſſociation.

XIII. And be it further enacted, That all and every perſon and perſons, who ſhall be admitted, or placed, or entred into any ſervice or imployment in his royal highneſs prince *George*, or her royal highneſs the princeſs *Anne* of *Denmark*'s family or houſhold, after the ſaid laſt day of *Eaſter* term next, in the year of our Lord, one thouſand ſix hundred ninety ſix, ſhall in the next term after ſuch their admiſſion, placing or entring into ſuch ſervice or imployment, ſubſcribe the ſaid aſſociation in his Majeſty's high court of chancery, or in the court of King's Bench, between the hours of nine and twelve in the forenoon, in ſuch manner as aforeſaid, or at the next general quarter-ſeſſions of peace to be held for ſuch county, riding or liberty where ſuch perſon or perſons ſhall inhabit at the time of ſuch their admiſſion or placing in ſuch ſervice or imployment; and in default of ſuch ſubſcription, ſhall be liable to the like penalties and incapacities as are before inflicted on ſuch as ſhall execute offices without ſubſcribing the ſaid aſſociation.

Perſons on board the fleet or in the ſervice beyond ſea, may ſubſcribe in 3 months after return.

XIV. Provided always, That nothing herein contained ſhall be conſtrued to extend to any perſon in his Majeſty's ſervice on board the fleet, or beyond the ſeas, or that ſhall go beyond the ſeas in his Majeſty's ſervice, before the five and twentieth day of *May*, one thouſand ſix hundred ninety ſix, ſo as ſuch perſon ſubſcribe the ſaid aſſociation, according to the appointment of this act, within three months after his return into *England*.

King, under his privy ſeal, may pardon penalties for not taking the oaths.

XV. Provided always, and be it enacted by the authority aforeſaid, That all or any the pains, penalties or diſabilities, to be incurred by any perſon or perſons, as popiſh recuſants convict, by virtue of this act, for not taking the oaths aforeſaid, may be pardoned, remitted or diſcharged by the King's majeſty, his heirs or ſucceſſors, under the privy ſeal; any thing in this act to the contrary thereof in any wiſe notwithſtanding.

After this parliament members to ſubſcribe the aſſociation. Or be diſabled; and a writ to iſſue for election of a new member.

XVI. And be it enacted by the authority aforeſaid, That from and after the determination of this preſent parliament, every perſon that ſhall hereafter be choſen a member of the houſe of commons, when he takes the oath, and ſubſcribes the declaration, according to an act made in the firſt year of King *William* and Queen *Mary*, ſhall alſo, at the ſame time, ſubſcribe the aſſociation in this act preſcribed; and that every perſon refuſing ſo to do, ſhall be adjudged, and is hereby declared

clared to be uncapable and diſabled in law, to all intents and purpoſes whatſoever, to ſit in the ſaid houſe of commons, or give any voice therein during that parliament: and that in ſuch caſe a new writ or writs ſhall iſſue out of the high court of chancery, by warrant or warrants from the ſpeaker of the houſe of commons for the time being, by order of the ſaid houſe, for the election of a new member or members to ſerve in the houſe of commons, in the place or places of ſuch member or members ſo diſabled, to all intents and purpoſes as if ſuch member or members were naturally dead.

Perſons coming or returning from France during the war without licence, to be guilty of high treaſon.

XVII. And for preventing of traiterous correſpondence and commerce with the *French* King or his ſubjects, be it enacted by the authority aforeſaid, That if during the preſent war between his Majeſty and the *French* King, any perſon or perſons, being his Majeſty's ſubjects, ſhall, from and after the firſt day of *May*, in the year of our Lord, one thouſand ſix hundred ninety ſix, voluntarily come or return from *France*, or any of the *French* King's dominions in *Europe* into *England*, or any of his Majeſty's dominions in *Europe*, without his Majeſty's leave, under his ſign manual, for that purpoſe firſt had and obtained, and be thereof convicted by due courſe of law, every perſon ſo offending ſhall be taken, deemed and adjudged to be guilty of high treaſon, and ſhall ſuffer ſuch penalties as in caſe of high treaſon, and ſhall and may be indicted and tried for the ſame, in ſuch county of this realm as his Majeſty by his commiſſion under the great ſeal ſhall appoint.

Perſons returning ſince 29 Sept. 1695. without licence, ſurrendring themſelves, and giving ſecurity, unleſs licenſed to continue here; to depart in 20 days, and not return during the war without licence, to incur a præmunire. 1 W. & M. ſeſſ. 1. c. 8. 3 & 4 W. & M. c. 13.

XVIII. And be it further enacted by the authority aforeſaid, That all and every of his Majeſty's ſubjects, who at any time ſince the nine and twentieth day of *September*, in the year one thouſand ſix hundred ninety five, have or hath returned out of *France*, or any of the *French* King's dominions, into any of his Majeſty's dominions in *Europe*, without licence firſt had and obtained from his Majeſty, according to the act made in the third and fourth years of their ſaid Majeſties reign, intituled, *An act againſt correſponding with their Majeſties enemies*, ſhall, on or before the laſt day of *May*, one thouſand ſix hundred ninety ſix, ſurrender him, her or themſelves to one of his Majeſty's principal ſecretaries of ſtate for the time being, or to the chief juſtice of the court of King's Bench, or to the chief juſtice of the court of common pleas, and take the oaths mentioned in an act made in the firſt year of the reign of his preſent Majeſty and the late Queen *Mary*, intituled, *An act for the abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths*, and give ſecurity for their good behaviour for one year thence to come, or ſhall enter into and give ſuch ſecurity as the ſaid ſecretaries and chief juſtices reſpectively ſhall think fit to require, That he, ſhe or they, unleſs licenſed to continue here by his Majeſty under his ſign manual, ſhall, within twenty days, depart this kingdom, and not return into the ſame, or any of his Majeſty's dominions in *Europe*, during the continuance of the war with the *French* King, without ſuch licence, as afore-

ſaid; and in caſe of any of his Majeſty's ſaid ſubjects ſhall neglect or refuſe to ſurrender him, her or themſelves, and to take the ſaid oaths, and to give ſuch ſecurity for their good behaviour, or ſhall not depart this kingdom accordingly, or ſhall return into this kingdom or any his Majeſty's dominions aforeſaid, during the continuance of the war aforeſaid, without ſuch licence as aforeſaid, every perſon ſo neglecting, refuſing or returning, ſhall incur the ſaid danger and penalty of *Premunire*.

Perſons refuſing to take the oaths by 1 W. & M. ſ. 1. c. 18.

XIX. And be it further enacted by the authority aforeſaid, That no perſon who ſhall refuſe to take the oaths directed by an act made in the firſt year of the reign of his preſent Majeſty, and the late Queen *Mary*, intituled, *An act for abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths*, or being *Quakers*, ſhall refuſe to ſubſcribe the declaration of fidelity, directed by one other act of parliament made in the ſaid firſt year of the reign of his preſent Majeſty and the late Queen, intituled, *An act for exempting their Majeſties proteſtant ſubjects, diſſenting from the church of* England, *from the penalties of certain laws* (which oaths and ſubſcription reſpectively the ſheriff or chief officer taking the poll at any election of members to ſerve in parliament, at the requeſt of any one of the candidates, are hereby impowered and required to adminiſter) ſhall be admitted to give any vote for the election of any knight of the ſhire, citizen, burgeſs, or baron of the cinque ports, to ſerve in parliament.

Or, if quakers, to ſubſcribe the declaration of fidelity, to have no vote in election of members of parliament.

Perſons committed for high treaſon, to be detained till 1 Decem. 1696, unleſs bailed by order of council.

XX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to detain in cuſtody, without bail or mainprize, any perſon who is or ſhall, before the laſt day of *Trinity* term, one thouſand ſix hundred ninety ſix, be committed upon information upon oath againſt him for high treaſon, until the firſt day of *December*, one thouſand ſix hundred ninety ſix, unleſs ſuch perſon ſhould be ſooner bailed by order of council, ſigned by ſix of his Majeſty's privy council; any law or ſtatute to the contrary notwithſtanding.

1 W. & M. ſ. 2. c. 2. Commiſſions to be in force 6 months after the King's death, unleſs ſuperſeded by the ſucceſſor. *Enforced by* 1 *Anne, ſtat.* 1. c. 8.

XXI. And for the better ſecuring of the ſucceſſion of the crown in ſuch manner, as in and by an act made in the firſt year of the reign of King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown*, is provided, limited and appointed: be it further enacted by the authority aforeſaid, That no commiſſion, either civil or military, ſhall ceaſe, determine or be void, by reaſon of the death or demiſe of his preſent Majeſty, or of any of his heirs or ſucceſſors, Kings or Queens of this realm, but that every ſuch commiſſion ſhall be, continue and remain in full force and virtue, for the ſpace of ſix months next after any ſuch death or demiſe, unleſs in the mean time ſuperſeded, determined or made void by the next and immediate ſucceſſor, to whom the imperial crown of this realm, according to the act of ſettlement herein before mentioned, is limited and appointed to go, remain or deſcend.

CAP.

CAP. XXVIII.

An act for the more effectual preventing the exportation of wooll, and for the encouraging the importation thereof from Ireland.

WHEREAS *ſeveral laws have been made to prevent the exportation of wool, yet nevertheleſs the ſaid exportation is ſtill continued, whereby daily miſchiefs and evils do happen, and a correſpondence with* France *is maintained, to the great prejudice of the government, and diſcouragement of the manufacture of this kingdom.* *This act is enforced by 9 & 10 W. 3. c. 40. ſ. 1.*

II. *And whereas in the firſt year of the reign of King* William *and Queen* Mary, *there paſſed an act, intituled,* An act for the better preventing the exportation of wool, and encouraging the woollen manufactures of this kingdom; *which act was continued by an act made in the fourth and fifth years of King* William *and Queen* Mary, *intituled,* An act for reviving, continuing and explaining ſeveral laws therein mentioned, which are expired, and near expiring, *and will now ſoon expire: and whereas for preventing the ſaid miſchiefs, it is neceſſary the ſaid act ſhould be continued:* 1 W. & M. ſ. 1. c. 32. 4 & 5 W. & M. c. 24.

III. Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act, and every clauſe, matter and thing therein contained (except what is hereafter otherwiſe altered, explained or repealed) ſhall continue and remain in full force, as if the ſame were herein and hereby particularly recited and mentioned. further continued.

IV. *And whereas the ſtatute of the thirteenth and fourteenth of King* Charles *the Second, made againſt the exportation of wool, among other things in the ſaid act mentioned, doth enact the ſame to be deemed felony; by the ſeverity of which penalty the proſecution of offenders hath not been ſo effectually put in execution;* be it therefore enacted by the authority aforeſaid, That ſo much of the ſaid act, which relates to the making the ſaid offence felony, be repealed and made void. Part of 13 & 14 Car. 2. c. 18. making the exportation of wool felony, repealed.

V. And be it further enacted by the authority aforeſaid, That for the better encouragement of the importation of wool from *Ireland*, that it ſhall and may be lawful for any perſon or perſons whatſoever, from the place or places in the ſaid act limited, to import into *England* from *Ireland* any quantity or quantities of wool, to any the ports hereafter mentioned (that is to ſay) *Whitehaven* in the county of *Cumberland*, *Leverpool*, *Cheſter*, *Briſtol*, *Bridgewater*, *Minehead*, *Barnſtaple* and *Biddiford*, and to no other; any thing in this act to the contrary thereof in any wiſe notwithſtanding. Ports where wool may be imported from Ireland.

VI. And be it further enacted by the authority aforeſaid, That the commiſſioners or farmers of the cuſtoms in the kingdom of *Ireland* for the time being, ſhall from time to time, and at all times hereafter, once every ſix months, tranſmit or cauſe An account to be tranſmitted from Ireland to England once in ſix months of all

wool exported.

cauſe to be tranſmitted unto the commiſſioners of his Majeſty's cuſtoms in *England*, a true account of all ſuch wool as ſhall be from time to time exported from any of the places within the ſaid kingdom of *Ireland*, from whence the ſame may be exported, the quantity and weight thereof, and by whom, and in what ſhips exported, and where conſigned, and the names of the perſons ſigning the certificates of the landing the ſame in *England*, and the date of the ſaid certificates, and where the ſame was landed, as alſo the quantity and weight contained in the ſaid certificates, in order that the ſame may be compared with the account by the ſaid act appointed to be kept by the commiſſioners of the cuſtoms of this kingdom.

Certificates to be writ on paper, and not interlined.

VII. And for preventing the miſchiefs of raſing, obliterating or interlining ſuch certificates as aforeſaid, be it further enacted, That all certificates given for the landing of wooll from *Ireland*, or from one port to another in *England*, ſhall be written upon paper, and not parchment, and that the quantities therein expreſſed ſhall not be obliterated or interlined upon any pretence whatſoever.

VIII. *And whereas the ſeveral inhabitants of the ſeveral counties and ſhires of this realm next adjoining to the kingdom of* Scotland, *and to the ſea coaſts, do reap great profit and advantage by the carrying out of wool, wool-fells, mortlings, ſhorlings, yarn made of wooll, wool-flocks, fullers earth, and ſcouring-clay, into the ſaid kingdom of* Scotland, *and exporting of them into* France, *and other parts beyond the ſeas, to the great prejudice and decay of the woollen manufacture of this realm*; be it further enacted by the authority aforeſaid, That from and after the firſt day of *May*, in the year of our Lord one thouſand ſix hundred ninety ſix, no wooll, or any other of the commodities aforeſaid, ſhall be laid or loaden on any horſe, or other carriage whatſoever, or ſhall be carried or conveyed by land, to or from any place or places within the ſaid counties next adjoining to the ſaid kingdom of *Scotland*, or within five miles of the ſea coaſt, as aforeſaid, but between ſun-riſing and ſun-ſetting, under the penalty and forfeiture of the ſaid commodities, and of the ſaid horſes, and other cattle and carriages employed in carrying the ſame; and that no ſhip or veſſel ſhall export or carry the ſame into any part beyond the ſeas, under the penalty and forfeiture of the ſaid commodities, ſhip and veſſel, and treble the value thereof, with treble coſts of ſuit; and the inhabitants of the reſpective hundred, port, or place exempt, next adjoining to the ſaid kingdom of *Scotland*, or to the ſea coaſts out of or through which any wool, or any other of the commodities aforeſaid, ſhall be ſo carried or exported, ſhall forfeit twenty pounds, if the ſaid wooll ſo carried out or exported ſhall be under the value of ten pounds, but if it ſhall be of greater value, then treble the value thereof ſo exported, or carried out of the ſaid kingdom, as alſo treble coſts of ſuit: all which ſaid penalties, forfeitures, and coſts of ſuit, are to be recovered and received by him or them that ſhall ſue for the ſame, and to be proſecuted by any action of debt,

Wooll not to be carried by land to or from any county adjoining to Scotland, or within 5 miles of the ſea coaſt, but, &c.

Penalties.

Treble coſts.

Special proviſion as to the hundred of Winchelſea by 9 & 10 W. 3. c. 40. ſ. 11.

ſuit, bill, plaint, or information, againſt the inhabitants of ſuch hundred, port, or place exempt, out of or through which the ſaid wooll or other commodities ſhall be exported, in any of his Majeſty's courts of record at *Weſtminſter*, where no eſſoin, protection, or wager of law, ſhall be allowed, nor any more than one imparlance.

Execution may be had againſt 2 or more inhabitants.

IX. And be it further enacted by the authority aforeſaid, That the execution for the informer ſhall and may be had againſt two or more of the ſaid inhabitants; and that after execution had by force of this act, it ſhall and may be lawful (upon complaint made by the party or parties ſo charged) to and for the juſtices of the peace of the ſame county or place where any ſuch execution ſhall be had, at their general quarter ſeſſions to be held for the ſaid county or place, to aſſeſs and tax, rateably and proportionably, according to their diſcretions, all and every the towns, pariſhes, villages, and hamlets, in the ſaid hundred, port, or place exempt, in the ſame manner and form as any hundred ought to be charged in caſe of robbery committed, for the perſons againſt whom execution ſhall be had for the perſon ſo robbed, purſuant to an act made in the ſeven and twentieth year of Queen *Elizabeth*, intituled, *An act for the following of the hue and cry*; and that the juſtices of the peace of the ſaid county or place, where ſuch fact ſhall be committed, ſhall and are hereby impowered and required, at their general quarter ſeſſions to be held for the ſaid county or place, to levy the penalties hereby charged, upon the ſaid inhabitants, by an equal aſſeſſment upon the ſaid inhabitants, and reimburſe ſuch perſon or perſons inhabitants within the ſaid hundred, port, or place exempt, adjacent to the kingdom of *Scotland*, or the ſea coaſt, from whence the ſaid wooll, or other the ſaid commodities, ſhall be tranſported, in the ſame manner, as if there had been a judgment at law againſt the ſaid hundred, port, or place exempt.

Juſtices at ſeſſions may aſſeſs proportionably as in caſe of robbery committed.

27 Eliz. c. 13. and levy the ſame on the inhabitants.

Penalty for aſſiſting in the exportation of wool.

X. And be it further enacted by the authority aforeſaid, That all perſons who ſhall be aiding, abetting, or aſſiſting, in carrying, or exporting any of the ſaid commodities out of this realm, as aforeſaid (being legally convicted thereof) ſhall ſuffer three years impriſonment, without bail or mainprize, and the owner of the ſaid wooll, or of any other of the commodities aforeſaid, and all and every perſon or perſons who ſhall be aiding, abetting, or aſſiſting, in carrrying or exporting of them or any of them out of this kingdom, ſhall anſwer and ſatisfy treble the value of all ſuch forfeitures and penalties, which ſuch inhabitants ſhall be ſo charged with and liable to, as alſo treble coſts of ſuit; which ſhall and may be recovered by action of debt, ſuit, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, ſhall be allowed, nor any more than one imparlance, by and in the name of the clerk of the peace for the time being, of or for every ſuch county or place, without naming the chriſtian name or ſurname of the ſaid clerk of the peace; which treble value

Actions to be in the name of the clerk of the peace of the county.

and treble coſts of ſuit ſhall be to the only uſe and behoof of the ſaid inhabitants; and that notwithſtanding the death or removal of any ſuch clerk of the peace, after ſuch action of debt, ſuit, bill, plaint, or information, ſued, commenced, or preferred, the ſame ſhall be proſecuted and purſued to judgment and execution, in ſuch manner and form, to all intents and purpoſes, as that clerk of the peace might have done, which firſt commenced or preferred the ſaid action of debt, ſuit, bill, plaint, or information.

and tried by a jury of another county.

XI. And for the better and more impartial trials of all ſuch actions and informations which ſhall be commenced or proſecuted by virtue of this act, be it enacted by the authority aforeſaid, That ſuch actions and informations ſhall be tried, in any of his Majeſty's courts of record, by a jury of good and lawful freeholders to be ſummoned out of any other county than that wherein the fact ſhall be committed: and to encourage perſons to diſcover the ſaid crime, the firſt three perſons who have been aiding, abetting, or aſſiſting, in carrying out or exportation of wooll, or any other of the commodities, as aforeſaid, that ſhall inform thereof any juſtice of the peace in either of the ſaid ſeveral counties aforeſaid, whereby the puniſhment and penalties appointed by this act may be inflicted and recovered, the party or parties ſo diſcovering (not being owner or part owners of the ſaid wooll, or other commodities aforeſaid) ſhall not ſuffer any of the ſaid penalties or puniſhment.

Firſt 3 perſons making diſcovery, not to ſuffer the penalties.

Actions againſt juſtice of peace to be levied in the county where the fact was done.

XII. Provided always, and be it enacted by the authority aforeſaid, that if any action or ſuit ſhall be brought and proſecuted by any perſon or perſons againſt any juſtice of peace, or other perſon employed by them or any of them in the execution of this act, for any matter, cauſe, or thing, by them or either of them done, committed, or executed, by virtue or reaſon of this act, or any clauſe or article therein contained, that then, and in every ſuch caſe, the action ſhall be laid in the proper county where the fact was done and committed, and not elſewhere; and the defendant or defendants may plead the general iſſue, and give the ſpecial matter in evidence at the trial, that the ſame was done in purſuance, and by authority of this act: and if upon examination it ſhall ſo happen to be done, the jury ſhall find for the defendant or defendants; and in ſuch caſe, or if the plaintiff ſhall be nonſuit, or diſcontinue his action, after the defendant or defendants hath or have appeared, the defendant or defendants ſhall have and recover their treble coſts which he or they ſhall ſuſtain or be put unto by reaſon of his or their wrongful vexation in defence of the ſaid action or ſuit; and that every action, ſuit, bill, plaint, or information, by virtue of this act, ſhall be commenced and proſecuted within one year after the fact committed.

Defendant may plead general iſſue, and have treble coſts.

Limitation of actions.

Penalty on perſons compounding forfeitures.

XIII. Provided always, That if any perſon, who is intitled to the penalties and forfeitures by this act given, ſhall compound with any hundred, port, or place exempt, hereby liable to pay the ſame, for any leſſer ſum than what is hereby given; that it ſhall

ſhall at any time hereafter be lawful for any other perſon to ſue for and recover the ſame in manner and form as aforeſaid, as if no ſuch compoſition had been made; and the perſon ſo compounding ſhall for ſuch his offence ſuffer five years impriſonment without bail or mainprize: and this act to continue in force for three years, and from thence to the end of the next ſeſſion of parliament. Act to continue for 3 years

XIV. And for the better preventing the exportation of wooll, and correſpondence with *France*; be it further enacted by the authority aforeſaid, That the lord high admiral of *England*, or commiſſioners for executing the office of lord high admiral for the time being, ſhall from time to time direct and appoint one ſhip of the fifth rate, and two ſhips of the ſixth rate, and four armed ſloops, conſtantly to cruize from off the *North foreland* to the iſle of *Wight*, with orders for taking and ſeizing all ſhips, veſſels, or boats, which ſhall export any wooll, or carry or bring any prohibited goods or any ſuſpected perſons. *Continued by* 9 *W.* 3. *c.* 40. Commiſſioners of the admiralty to appoint ſhips and armed ſloops to cruiſe.

CAP. XXIX.

An act for the better amending and repairing the highways, and explanation of the laws relating thereunto.

WHEREAS *many evil diſpoſed perſons aſſuming to themſelves the names and titles of the King's general or deputy ſurveyors of the highways, and other perſons, without any legal authority for the ſame, have of late years, by threats, falſe informations, and other illegal ways, extorted and gotten great ſums of money from ſeveral owners of waggons and carriages of this kingdom, under colour and by force of the wording of a certain clauſe in a certain act of parliament (intituled,* An additional act for the better repairing of highways and bridges) *made in the two and twentieth year of our late ſovereign lord King* Charles *the Second, containing theſe words,* That from and after the four and twentieth day of *June, therein mentioned,* no travelling waggon, wain, cart, or carriage, wherein any burthens, goods, or wares are or ſhall be carried (other than ſuch carts and carriages as are employed in and about huſbandry, and manuring of lands, and in the carrying of hay, ſtraw, corn unthreſhed, coal, chalk, timber for ſhipping, materials for building, ſtones of all ſorts, or ſuch ammunition or artillery which ſhall be for his Majeſty's ſervice) ſhall at any time travel, or be drawn, or go in any common or publick highway or road, with above five horſe beaſts at length; and if any ſhall draw with a greater number of horſes or oxen, they ſhall all draw in pairs, that is to ſay, two a-breaſt, for ſuch a number as they ſhall uſe, except one horſe, *contrary to the equity, true intent and meaning of the ſaid clauſe:* for prevention of ſuch extortion and oppreſſion from time to come, and the better explanation of the ſaid clauſe; 22 Car. 2. c. 12.

II. Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual

and temporal, and the commons, in this preſent parliament aſſembled, and by the authority thereof, That for the better repairing and amending of the ſaid highways, and the better application of the forfeitures in and about the ſame, every owner of any waggon, cart, carriage, horſe beaſt, or oxen, offending contrary to this preſent act, ſhall forfeit the ſum of forty ſhillings, and no more, for every reſpective offence, to the ſurveyor or ſurveyors of the highways of the pariſh, town, village, or hamlet, where any the ſaid offences ſhall be committed, to be paid to the ſurveyor or ſurveyors, and to no other perſon or perſons whatſoever; which ſaid forfeiture and forfeitures ſhall be levied in ſuch manner as the penalties in the ſaid recited act, impoſed on every conſtable or ſurveyor of the highways, for refuſing or neglecting to put in execution the ſeveral acts of parliament for or touching the repairing, amending, or enlarging of ſuch highways, are directed and appointed, and no otherwiſe; and the ſaid pariſh ſurveyor and ſurveyors for the time being, are hereby authorized and required to take and receive the ſaid forfeiture and forfeitures, and to pay in and account for the ſame reſpectively upon oath to the juſtices of the peace at their ſpecial ſeſſions holden once in four months, purſuant to an act of parliament in the ſecond and third years of our ſaid ſovereign lord King *William*, and the late Queen of gracious memory, which ſaid forfeiture and forfeitures are to be employed in and about the repairs of the highways, in the reſpective pariſh or pariſhes, town, village, or hamlet, where ſuch forfeitures are or were committed, according to the direction and appointment of the laſt mentioned ſtatute, and no otherwiſe; any thing in the ſaid act of the two and twentieth of King *Charles* the Second, or any other law or ſtatute, to the contrary thereof notwithſtanding.

Penalty on owners of waggons, carts, &c. to be paid to the ſurveyor of the highways,

who is to receive the ſame, and account to the juſtices on oath once in 4 months.

3 & 4 W. & M. c. 12.

Forfeitures to be employed in repairing the highways.

III. *And whereas by a ſtatute made in the two and twentieth year of King* Charles *the Second, intituled,* An additional act, for the better repairing of highways and bridges, *it is enacted, That no waggon, wain, cart, or carriage, (except as therein excepted) ſhall at any time travel or be drawn, or go in any common or publick highway or road, with above five horſe beaſts at length, and if any ſhall draw with a greater number of horſes, or oxen, they ſhall all draw in pairs: and whereas, to avoid the intention of the ſaid act, the waggoners have fixed an iron or ſhaft on the ſide of the waggon, whereby none of the horſes go in a line with the wheels, and thoſe which draw on the ſide make the rut deeper, and thereby the more impair the highways:* For remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of *Auguſt*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety and ſix, no travelling waggon, wain, cart or carriage, wherein any burthens, goods, or wares are or ſhall be carried or drawn for hire (other than ſuch waggon, cart or carriages, as are employed in or about huſbandry or manuring of lands, and in the carrying of hay, ſtraw, corn unthreſhed, coal, chalk, timber, materials for building, ſtones of all ſorts, or ſuch ammunition

22 Car. 2. c. 12.

Travelling waggons not to have above 8 horſes, or 8 Oxen and one horſe.

Waggons, carts, &c. excepted.

or

or artillery as ſhall be be for his Majeſty's ſervice) ſhall at any one time travel or be drawn, or go in any common or publick highway, with above eight horſes, and not with above eight oxen and one horſe, or ſix oxen and two horſes, or two oxen and ſix horſes, or four oxen and four horſes; which ſaid horſes, or horſes and oxen, ſhall draw in pairs with a pole between the wheel horſes, or in double ſhafts, and the other horſes to draw in a line with the wheel horſes or oxen, in the ſame manner as they uſually draw in coaches, upon pain that every owner of ſuch waggon, wain, cart, carriage, horſe or oxen, ſhall forfeit for every ſuch offence the ſum of forty ſhillings, two third parts whereof ſhall be to the uſe of the highways, and the other third part to the informer, to be levied by diſtreſs of any one of the ſaid horſes or oxen, by the conſtable, tythingman, headborough, ſurveyor of the highways, or overſeer of the poor of the pariſh or place where the ſaid offence is or ſhall be committed, or any of them; and in caſe the penalty be not paid within three days after ſuch diſtreſs, that then it ſhall and may be lawful for the perſon ſo diſtraining to ſell the ſame, reſtoring the overplus to the owner thereof, the charges of diſtraining, ſelling and keeping being firſt deducted; any thing in this or any other law to the contrary in any wiſe notwithſtanding.

Horſes or oxen to draw in pairs.

Penalty to be levied by diſtreſs. *Altered by* 6 *Annæ*, c. 29. 9 *Annæ*, *c.* 18. 1 *Geo.* 1. *ſtat.* 2. *c.* 11. & 5 *Geo.* 1. *c.* 12. 14 *Geo.* 2. *c.* 42. 15 *Geo.* 2. *c.* 2. 16 *Geo.* 2. *c.* 29.

IV. Provided always, and be it enacted by the authority aforeſaid, That if any innſhip, liberty, precinct, or vill, that uſes to repair their own highways, ſhall have levied the rate of ſix pence in the pound, and employed the ſame towards the repair of the highways, and yet the ſaid highways are not ſufficiently repaired, that then and in ſuch caſes it ſhall and may be lawful for the juſtices of the peace, at their ſpecial ſeſſions to be held every four months for the conſideration of the highways, to order the whole pariſh to contribute to the repairing thereof.

Any innſhip, &c. not having ſufficient to repair their highways, the pariſh to contribute.

V. And be it further enacted by the authority aforeſaid, That any perſon that ſhall have in his or her occupation, wood-land, or other land, to the value of fifty pounds *per annum*, ſhall be adjudged and deemed to have a plough-land, as to all or any of the purpoſes within any of the ſtatutes heretofore made of or concerning the highways; any thing in them, or any uſage or cuſtom, to the contrary in any wiſe notwithſtanding.

50 *l.* per ann. land, deemed equal to a plough land.

VI. *And whereas it hath been found neceſſary to ſecure horſecauſways, or cauſways for horſes, and foot-cauſways, to travel upon in publick highways, by poſts, blocks, or great ſtones fixed in the ground, or by banks of earth caſt up, or otherwiſe, from being broken up and ſpoiled with waggons, wains, or carts: and foraſmuch as ſeveral evil diſpoſed perſons do frequently pull up, cut down, and remove the ſaid poſts, blocks and great ſtones, ſo fixed as aforeſaid, and alſo dig and caſt down the ſaid banks, which are the ſecurities and defences of the ſaid cauſways, whereby the cauſways are often ruined and deſtroyed:* for remedy whereof, be it enacted by the authority aforeſaid, That from and after the ſaid four and twentieth day of *June*, every perſon who ſhall pull up, cut down, or remove any poſt, block,

Penalty for removing poſts, ſtones, &c. ſet up for ſecuring horſe

and foot cauſways.

block, great ſtone, bank of earth or other ſecurity, which was ſet up, placed and made, for ſecuring the ſaid horſe and foot cauſways from waggons, wains, and carts, ſhall (upon complaint thereof made to any juſtice of the peace of the place or diviſion, where ſuch offence ſhall be proved to be done by the oath of any one credible witneſs, which oath ſuch juſtice is hereby impowered to adminiſter, or upon view of the juſtice himſelf) forfeit for every of the ſaid offences the ſum of twenty ſhillings, one moiety thereof to the ſurveyors of the highways of the pariſh, town or diviſion where any of the ſaid offences ſhall be committed, to be employed in the repairs of the ſaid highways, and the other moiety thereof to him that ſhall diſcover the ſame, to be levied in manner as aforeſaid.

Penalty on ſurveyors compounding with waggoners, &c.

VII. And be it further enacted by the authority aforeſaid, That in caſe any general ſurveyor, or deputy ſurveyor, or ſuperviſor of his Majeſty's own private roads, or other perſon or perſons, ſhall make any compoſition, or demand, take or receive any ſum or ſums of money, or other reward whatſoever, of any carrier, waggoner, or other perſon or perſons, upon the account of drawing with any number of horſes or oxen, otherwiſe than as is appointed by this act, or for any other offence in relation to the highways, that every ſuch perſon or perſons ſo offending ſhall forfeit for every ſuch offence the ſum of forty pounds; one moiety whereof ſhall be applied to the repair of the ſaid highways, and the other moiety to the uſe of ſuch perſon who ſhall ſue for the ſame, to be recovered by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege or wager of law ſhall be allowed, nor any more than one imparlance; any law, ſtatute or uſage to the contrary notwithſtanding.

CAP. XXX.

An act for laying ſeveral duties upon low wines or ſpirits of the firſt extraction, and for preventing the frauds and abuſes of brewers, diſtillers, and other perſons chargeable with the duties of exciſe.

12 W. 3. c. 11. 1. 6. 3 & 4 Ann. c. 4.

FOR the ſupplying your Majeſty's extraordinary occaſions, and the better ſupport of *your government*; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety ſix, until the five and twentieth day of *March*, which ſhall be in the year of our Lord, one thouſand ſeven hundred and one, there ſhall be paid, by way of exciſe, unto his Majeſty, his heirs and ſucceſſors, for all low wines or ſpirits of the firſt extraction, drawn by any diſtiller or other perſon making or drawing ſpirits or ſtrong waters for ſale or exportation, within this kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, the rates and duties following (that is to ſay)

Exciſe on low wines.

Theſe duties are expired.

II. For

II. For every gallon of low wines or ſpirits of the firſt extraction, made or drawn from any foreign or imported materials, or any mixture with foreign materials, eight pence.

Low wines, &c. drawn from foreign materials, 8d. per gallon.

III. For every gallon of low wines or ſpirits of the firſt extraction, made or drawn from brewers waſh or tilts, twelve pence.

From waſh, 12d. per gallon.

IV. For every gallon of low wines or ſpirits of the firſt extraction, made or drawn only from drink brewed and made of any ſort of malted corn, one penny.

From drink brewed, 1d. per gallon.

V. For every gallon of low wines or ſpirits of the firſt extraction, made or drawn from any other ſort or kind of *Engliſh* materials, three pence.

From other Engliſh materials, 3d. per gallon.

VI. For every barrel of mixed liquors, commonly called or known by the name of *ſweets*, made from foreign or *Engliſh* materials, twelve ſhillings.

Sweets, 12s. per barrel.

VII. And be it enacted by the authority aforeſaid, That all diſtillers and others, who ſhall draw or make any low wines, ſpirits or brandy, from corn, ſhall brew, or cauſe their corn to be brewed, and from ſuch drink ſo made and prepared (without any mixture with any moloſſes, waſh or tilts, or other materials whatſoever) ſhall draw their low wines or ſpirits of the firſt extraction: and that it ſhall and may be lawful for the gauger and gaugers of exciſe, from time to time, to gauge and keep an account of the liquors, worts and drink, made and drawn by ſuch diſtillers or others, for the making ſuch low wines, ſpirits or brandies, and to ſee that the ſame be drawn and made from drink made of malted corn intirely, without any mixture as aforeſaid; and in caſe any diſtillers or others, ſhall therewith mix any other materials, either in the brewing, or after the ſame is made into drink, and before the ſame be diſtilled into low wines, the ſaid gaugers ſhall charge the low wines, drawn from the drink ſo mixed, with the duty of twelve pence for every gallon; which ſaid duty ſhall be anſwered and paid to his Majeſty and ſucceſſors.

Low wines, &c. to be drawn from drink not mixed with moloſſes, &c.

Gauger to keep account of liquors made by diſtillers, &c.

Low wines, &c. from mixt drink, 12d. per gallon.

For the increaſe and continuance of theſe duties, &c. ſee 12 Car. 2. c. 23. 15 Car. 2. c. 11. 3. & 4 W. & M. c. 15. & 11 W. 3. c. 21. 12 & 13 W. 3. c. 11. 3 & 4 Annæ, c. 4. 4 Annæ, c. 12. 5 Annæ, c. 19. 1 Geo. 1. ſtat. 2. c. 12. l. 8. 1 Geo. 2. ſtat. 2. c. 16.

VIII. And be it further enacted, That no diſtillers or others, drawing low wines or ſpirits from corn, prepared as aforeſaid, ſhall prepare any waſh from moloſſes, or other materials, or receive any waſh of moloſſes, or other materials, from any other perſon whatſoever, until he has drawn off and diſtilled all the liquors made or prepared from corn as aforeſaid, on pain of forfeiture for every barrel of ſuch liquors made of corn as aforeſaid, found undiſtilled or drawn into low wines, the ſum of five pounds.

Penalty on diſtiller preparing waſh from moloſſes, &c. until the liquors be drawn off.

IX. And be it further enacted by the authority aforeſaid, That if any gauger, or other officer of exciſe, ſhall wittingly and willingly make a falſe charge, by returning to the commiſſioners any quantity of low wines or ſpirits of the firſt extracti-

Penalty on gauger making falſe charge.

on, not made from malted corn, as made and drawn from malted corn, ſuch gauger or officer ſhall forfeit his office or employment, and alſo ſhall forfeit for every gallon of low wines ſo falſly charged or returned, the ſum of ten ſhillings.

Diſtillers may export brandies, &c. drawn from drink,

X. And for the further encouragement of diſtillers and others to draw and make ſpirits or brandies from malted corn brewed into drink as aforeſaid, and to export the ſame as merchandize into parts beyond the ſeas; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to or for any diſtillers, or others, upon oath made before any two or more of the commiſſioners of exciſe, or juſtices of the peace for the county or place from whence any brandy or ſtrong waters is or are intended to be exported, that the ſame were or was made and drawn from drink brewed from malted corn, without any mixture with any other materials, and that the ſame is not mixed with any low wines not drawn a ſecond time, nor with any other ſpirits or brandy made from any other materials, either native or foreign, and that the duties of the ſame are duly entred or paid, and that the ſame are exported for merchandize, to be ſpent beyond the ſeas, to export ſuch ſpirits or brandies made from corn prepared as aforeſaid; and upon a certificate under the hands of the officers of exciſe for the port or place where ſuch ſpirits or brandies were ſhipped off, of the quantity ſo ſhipped, and that the ſame was ſhipped in the preſence of ſuch officers, that ſuch diſtiller or others ſo exporting ſhall be allowed or paid back, by the commiſſioners, or their collector for the port or place where ſuch ſpirits or brandy ſhall be ſhipped off, the ſum of three pence for every ſuch gallon of brandy or ſpirits ſo ſhipped off.

and not mixed, paying the duties.

Drawback allowed of 3d. per gallon on all ſpirits exported.

12 & 13 W. 3. c. 11.
6 Geo. 2. c.

Duties, &c. how to be levied and paid.

XI. And be it further enacted by the authority aforeſaid, That the ſeveral rates and duties hereby impoſed on the liquors aforeſaid, ſhall be raiſed, levied, collected, recovered, and paid unto his Majeſty, his heirs and ſucceſſors, during the time before mentioned, in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned, expreſſed and directed, in and by one act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures* in capite, *by knights ſervice, and purveyance, and for ſettling a revenue upon his Majeſty in lieu thereof*, or by any other law now in force relating to the revenue of exciſe.

12 Car. 2. c. 24.

Decayed wines, cyder, &c. found in any diſtilling-houſe prepared for diſtillation, &c.

XII. And for preventing the making or drawing of low wines or ſpirits of a firſt or ſecond extraction, by any compound diſtiller or rectifying diſtiller, or any other common diſtiller, whereby to defraud his Majeſty of any of the duties by this act impoſed; be it further enacted by the authority aforeſaid, That if any gauger or officer of exciſe ſhall, from and after the ſaid five and twentieth day of *March*, find in the diſtilling-houſe, or other houſe or warehouſe of any compound diſtiller, or rectifying diſtiller, or any other common diſtiller, any quantity of decayed wines,

wines, cyder, or other materials fit for or preparing for diſtillation, whereby he may be induced to believe that ſuch compound or rectifying diſtiller, or other common diſtiller, doth or may draw or extract low wines or ſpirits from ſuch materials, and ſuch gauger or officer ſhall find any ſtill or ſtills of ſuch diſtiller's charged or prepared to work, that it ſhall and may be lawful to and for ſuch gauger or officer to take off the head of ſuch ſtill or ſtills, and to examine what materials are therein, if not at work; and in caſe ſuch ſtill or ſtills ſhall be at work, that then it ſhall and may be lawful to and for ſuch gauger or officer to ſtay and continue in ſuch diſtiller's diſtilling-houſe, until ſuch ſtill or ſtills ſhall be wrought off, and then to examine what materials were wrought therein; and in caſe any ſuch diſtiller ſhall refuſe to permit ſuch gauger to continue in his diſtilling-houſe, until ſuch ſtill or ſtills ſhall be wrought off, and examined, as aforeſaid, in every ſuch caſe ſuch diſtiller ſhall forfeit for every ſuch offence the ſum of twenty pounds.

Gauger may take off the head, or ſtay till the ſtill be wrought off, and examine the materials. Penalty on diſtiller refuſing.

XIII. And be it further enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *March*, all and every the ſtills, worms, ſtill-heads, and all other veſſels and utenſils for diſtilling, uſed by any ſuch diſtiller, or other perſon, for making of low wines or ſpirits for ſale or exportation, into whoſe hands ſoever the ſame ſhall come, and by what conveyance or title ſoever the ſame be claimed, ſhall be liable and ſubject unto, and are hereby charged with, all and ſingular the debts and duties of exciſe that now are, or hereafter ſhall be in arrear and owing by any ſuch diſtiller, or other perſon or perſons, for any ſtrong waters, ſpirits, or low wines, ſo made, or drawn, as aforeſaid; and that it ſhall be lawful in all caſes to levy debts and penalties, and uſe ſuch proceedings againſt the ſtills, worms, veſſels, and utenſils, therein contained, as it may be lawful to do in caſe the debtor or offender, uſing the ſaid utenſils, had been truly and really owner and proprietor of the ſame.

Stills, &c. to be charged with debts for exciſe, &c.

XIV. And be it further enacted by the authority aforeſaid, That the gauger and gaugers of exciſe ſhall, from time to time, gauge and take account of all waſh and other materials prepared or preparing for the making of low wines, and alſo of all low wines, ſpirits, or ſtrong waters, found in the houſes, cellars, or ware-houſes, or in any waſh, back, caſk, or other veſſel or veſſels uſed by any diſtiller or maker of low wines or ſpirits; and in caſe he ſhall miſs any quantity or quantities of liquor or drink brewed or made from corn, or any waſh or other materials prepared for making of low wines, which he found or gauged the laſt time ſuch gauger was at ſuch diſtiller's, not exceeding twenty four hours before, and ſhall not, on demand, receive ſatisfaction what is become of ſuch drink or waſh or other ſuch like materials, that in every ſuch caſe it ſhall be lawful for ſuch gauger to charge ſuch diſtiller with ſo much low wines, as ſuch liquor, drink, waſh, or other materials ſo miſſing, in his judgment would reaſonably have made.

Gaugers to gauge the waſh, &c. found in diſtiller's houſe, &c. 10 & 11 W. 3. c. 4. 21. 4 Ann. c. 12. Gauger miſſing liquor found at his laſt gauge, &c. may charge the diſtiller with ſo much as is miſſing.

XV. And

No diſtiller, &c. to diſtil or deliver out any low wines, ſpirits, &c. without notice to the officer of exciſe, &c.

XV. And to the intent that the duties payable to his Majeſty for all low wines, ſpirits, *aquæ vitæ*, and ſtrong waters, may be the better aſcertained, collected, and levied; be it enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *March*, no diſtiller or maker of low wines, ſpirits, *aquæ vitæ*, or ſtrong waters, ſhall diſtil or ſet their ſtills at work for the drawing or making any the liquors above mentioned, or ſhall deliver or carry out any low wines, ſpirits, or *aquæ vitæ*, to any of their cuſtomers, in caſk, or by the gallon, without notice thereof firſt given to the officer of exciſe for the place or diviſion where ſuch diſtiller or maker ſhall live, to the intent that ſuch officer may be preſent to ſee and gauge the ſame; unleſs at ſuch times as herein after are mentioned (that is to ſay) from the nine and twentieth day of *September*, to the five and twentieth day of *March* yearly, between the hours of five in the morning, and eight in the evening, and from the five and twentieth day of *March*, to the nine and twentieth day of *September* yearly, between the hours of three in the morning, and nine in the evening; upon pain that every diſtiller and maker of the liquors aforeſaid, doing contrary hereunto, ſhall forfeit for every ſuch offence the ſum of ten pounds.

Penalty on diſtiller.

Penalty for concealing vinegar, &c. from gauger,

XVI. And be it further enacted by the authority aforeſaid, That if any maker of vinegar, cyder, metheglin, mead, or ſweets for ſale, ſhall at any time hereafter hide, conceal, or convey away any vinegar, or liquor prepared for vinegar, or any cyder, metheglin, mead, or ſweets from the ſight and view of the guager or gaugers appointed to take account of the ſame, whereby his Majeſty ſhall or may be defrauded of any of the duties due for the ſame; that every ſuch maker of ſuch vinegar, cyder, metheglin, mead, or ſweets, for every barrel of vinegar, or liquor prepared for vinegar, or ſweets, ſo hid, concealed, or conveyed away, as aforeſaid, ſhall forfeit the ſum of forty ſhillings, and ſo in proportion for any greater or leſſer quantity; and for every hogſhead of cyder ſo hid, concealed, or conveyed away, the ſum of forty ſhillings, and ſo in proportion for any greater or leſſer quantity; and for every gallon of metheglin or mead ſo hid, concealed, or carried away, as aforeſaid, ſhall forfeit the ſum of five ſhillings.

for refuſing gauger to take account, &c.

12 Car. 2. c. 23. 24. 7 & 8 W. 3. c. 30.

XVII. And be it enacted by the authority aforeſaid, That from henceforth, in caſe any maker or retailer of vinegar, or of any of the commodities aforeſaid, ſhall, upon due requeſt or demand made by the gauger or officer in the day-time, or if by night, then in the preſence of a conſtable, refuſe to permit ſuch gauger or officer to enter and come into his or their houſe, ſtore-houſe, or other place belonging to or uſed by ſuch maker or retailer of vinegar, or of any other the liquors or commodities aforeſaid, and to take account of any of the liquors or commodities aforeſaid; in every ſuch caſe ſuch maker of vinegar, or any other of the liquors or commodities aforeſaid, ſhall forfeit for every ſuch offence the ſum of fifteen pounds.

XVIII. And be it enacted by the authority aforeſaid, That from

from henceforth no maker of vinegar or ſweets ſhall ſell, deliver, or carry out, any vinegar or ſweets to any of his cuſtomers, either in whole caſk, or by the gallon, without notice thereof firſt given to the gauger or officer of exciſe for the place or diviſion where ſuch maker of vinegar or ſweets ſhall live, to the intent that ſuch officer may be preſent to ſee, gauge, and take an account of the ſame, unleſs at ſuch times as are herein after mentioned (that is to ſay) from the nine and twentieth day of *September*, to the five and twentieth day of *March* yearly, between the hours of five in the morning, and eight in the evening, and from the five and twentieth day of *March*, to the nine and twentieth day of *September* yearly, between the hours of three in the morning, and nine in the evening; upon pain that every ſuch maker of vinegar or ſweets, doing contrary hereunto, ſhall for every ſuch offence forfeit and loſe the ſum of forty ſhillings, for every barrel of vinegar or ſweets that ſhall be ſo carried out, contrary to the true meaning of this act.

and for carrying out vinegar, &c. without notice, given to officer.

8 & 9 W. 3. c. 18.

XIX. And be it further enacted by the authority aforeſaid, That a certain clauſe in an act made in the ſecond year of the reign of his Majeſty and the late Queen *Mary* of bleſſed memory, intituled, *An act for the encouraging the diſtilling of brandy and ſpirits from corn, and for laying ſeveral duties on low wines, or ſpirits of the firſt extraction*, relating to ſtrong waters, brandy, *aqua vitæ*, and other exciſeable liquors brought from the iſlands of *Guernſey*, *Jerſey*, *Sark*, or *Alderney*, and all the charges, duties, and penalties, and every article and thing therein contained, ſhall continue and be of force and virtue during the continuance of this act, in as full and ample manner, to all intents and purpoſes, as if the ſaid clauſe were herein word for word, repeated and enacted.

Clauſe in the act 2 W. & M. ſſ. 2. c. 9. ſ. 12. continued.

12 & 13 W. 3. c. 11.

XX. *And foraſmuch as it is found by experience, that the payment of his Majeſty's duties on beer, ale, and other exciſeable liquors, is much avoided and defrauded by the brewers and makers thereof, by their making drink of an extraordinary ſtrength, and mixing of ſmall beer or worts with the ſame, after an account hath been taken by the gaugers, and by their carrying away, or laying off part of their worts, after the ſame hath been gauged, and making them up by part of another wort, before the gauger can take an account of the ſame, by making uſe of private pipes, and other conveyances under ground: And by reaſon the gaugers and officers are not duly admitted and permitted to enter and come into the houſes, brew-houſes, diſtilling-houſes, ſtore-houſes, and other places belonging to or uſed by ſuch brewers, diſtillers, or makers of the liquors aforeſaid, or being lawfully entred, are not quietly permitted to continue in ſuch brew-houſe, where the ſaid liquors are brewing and making, to gauge and take an account of the quantity and quality of the ſeveral worts, as they are brewed off, and to ſee their ſtrong and ſmall drink cleanſed and carried out without mixture, and to prevent the committing any other frauds:* be it therefore enacted by the authority aforeſaid, That all common brewers, innkeepers or victuallers, who after the ſaid five and twentieth day of *March*, ſhall brew or make a party-guile, ſhall declare to

Brewers, &c. brewing a party guile, to declare to gauger how much

ſtrong beer and how much ſmall, &c. In caſe of refuſal, gauger to return the whole as ſtrong beer. *This clauſe repealed by* 8 & 9 W. 3. c. 19. ſ. 1.

to the gauger or gaugers appointed to gauge and take an account of the ſame, how much of ſuch guile he or they intend to make into ſtrong beer or ale, and how much into ſmall, before any part of ſuch guile is cleanſed, and ſhall continue all the ſaid ſtrong beer in their tuns, until the ſaid ſmall beer ſhall be carried out and delivered; and in caſe ſuch brewers, innkeepers, or victuallers, or their reſpective ſervants, brewing or making ſuch guile of beer or ale, ſhall refuſe to declare to ſuch gauger or officers, how much of their guile or brewing they intend to make into ſtrong beer or ſtrong ale, and how much into ſmall, before any part of ſuch guile is cleanſed, or ſhall permit the ſaid ſtrong beer to be carried out of their tuns, until the ſaid ſmall beer ſhall be carried out and delivered; ſuch gauger or gaugers ſhall charge and return the whole of ſuch guile to be ſtrong, and ſuch brewer, innkeeper, or victualler, ſhall pay the duties thereof accordingly: and in caſe ſuch brewer, innkeeper, or victualler, or their reſpective ſervants, after ſuch declaration made, ſhall make any increaſe of their ſtrong beer or ſtrong ale ſo declared as aforeſaid, by any ways or means whatſoever, ſuch increaſe ſhall be deemed and taken to be and proceed from mixing ſmall beer with ſuch ſtrong beer, or ſtrong ale; and ſuch brewer, innkeeper, or victualler, ſhall forfeit and loſe, for every barrel ſo increaſed, the ſum of forty ſhillings, and ſo in proportion for a greater or leſſer quantity, over and above the penalties already impoſed for mixing ſmall beer with ſtrong; and in caſe, upon any information brought againſt ſuch brewer, innkeeper, or victualler, for the penalties aforeſaid, it ſhall appear by the evidence given in behalf of ſuch brewer, innkeeper or victualler, that the ſtrong beer, or ſtrong ale ſo declared as aforeſaid, was increaſed, by adding to or mixing with the ſame any ſtrong beer or ſtrong ale, that remained or was left, or returned of a former guile of his or her brewing, ſuch brewer, innkeeper, or victualler, ſhall incur all the penalties aforeſaid, except it be alſo proved by the oath of one or more credible witneſſes, that ſuch ſtrong beer, or ſtrong ale, ſo added to ſuch guile, was added to ſuch guile in the ſight and view of the gauger, the ſaid evidence or any other thing to the contrary in any wiſe notwithſtanding.

Penalty for increaſing ſtrong beer after ſuch declaration,

for carrying out any part of a guile before gauger takes an account,

XXI. And it is hereby further enacted by the authority aforeſaid, That if from and after the ſaid five and twentieth day of *March*, any common brewer, innkeeper, or victualler, ſhall cleanſe, carry out, remove, or convey out of his brew-houſe, or place of brewing, any part of his guile or brewing of beer, ale, or worts, before the whole of ſuch guile is brewed off, and be in his tuns, backs, or coolers, and until the gauger or gaugers ſhall or might have taken an account of the ſame, and of the diſtinct quantities thereof in his reſpective veſſels, without firſt giving notice to the ſupervifor or gauger appointed for the place or diviſion where ſuch brewer, innkeeper, or victualler, doth or ſhall inhabit, at what time, and how much of ſuch guile or brewing he intends to cleanſe, carry out, or remove, and

8 & 9 W. 3. c. 18.

where

where he intends to lay or diſpoſe of the ſame, ſuch brewer, innkeeper, or victualler, for every barrel of beer, ale, or worts, ſo cleanſed, carried out, removed, or conveyed out of his brew-houſe, or place of brewing, without giving ſuch notice as aforeſaid, ſhall forfeit and loſe the ſum of forty ſhillings.

and for refuſing to permit gauger to come into his brew-houſe, &c. 7 & 8 W. 3. c. 30. 12 Car. 2. c. 13, 14.

XXII. And it is further enacted by the authority aforeſaid, That if any common brewer, innkeeper or victualler, after the ſaid five and twentieth day of *March*, ſhall upon due requeſt or demand made by the gauger or other officer in the day-time, or in the night in the preſence of a conſtable, refuſe to permit ſuch gauger or other officer to enter and come into his houſe, brew-houſe, ſtore-houſes, or other places belonging to or uſed by ſuch brewer, innkeeper, or victualler; or being lawfully entred, ſhall refuſe ſuch gauger or officer to ſtay and continue in his brew-houſe, or place of brewing, whilſt his guile is brewing, and quietly gauge and take an account of the ſeveral worts, as they are brewed off and let into his backs and tuns, and to ſee their ſtrong and ſmall drink cleanſed and carried out without mixture, and to gauge and take an account of the goods in the meſh tun, or of the quantity of malt from which ſuch worts are drawn or made, ſuch brewer, innkeeper, or victualler, for every ſuch offence, ſhall forfeit and loſe the ſum of twenty pounds, and the informer or proſecutor ſhall not be obliged to prove that ſuch brewer, innkeeper or victualler, did carry or deliver out any part of ſuch guile of beer or ale before he paid and cleared the duties due for the ſame; any thing in the former acts of exciſe, or any other act or ſtatute to the contrary notwithſtanding.

Penalty on brewer, &c. mixing ſmall beer with ſtrong after carried out. 15 Car. 2. c. 11. 22 & 23 Car. 2. c. 9.

XXIII. And for the preventing and diſcovering of all frauds made by mixtures or otherwiſe, be it enacted by the authority aforeſaid, That if any common brewer or innkeeper, after the ſaid five and twentieth day of *March*, ſhall upon carrying out his drink, or after the ſame is carried out, ſtart or mix any ſmall beer or ſmall worts with or amongſt any ſtrong beer or ſtrong ale, upon his dray, or in any victualler's cellar, or other place, ſuch brewer or innkeeper ſo doing, ſhall forfeit and loſe for every ſuch offence the ſum of five pounds; and further, that it ſhall and may be lawful to and for the gauger or gaugers of the exciſe to taſte the drink upon any ſuch brewer's dray or drays, where and whenſoever he or they ſhall find and meet the ſame; and alſo, upon requeſt, to enter into the cellar or cellars, or other rooms in the poſſeſſion of any innkeeper or victualler that do or ſhall take or receive any drink of or from any common brewer, and to taſte the drink in the ſame; and if any innkeeper or victualler, after the ſaid five and twentieth day of *March*, ſhall refuſe ſuch gauger or gaugers to enter and come into their cellar or cellars, or other rooms, or being entred, ſhall refuſe ſuch gauger or gaugers to taſte the drink in the ſame, ſuch innkeeper or victualler, for every ſuch offence, ſhall forfeit and loſe the ſum of five pounds.

Gauger may taſte drink on the dray, or in the victualler's cellar.

Penalty on victualler refuſing.

XXIV. And be it further enacted, That it ſhall and may be lawful

Commiſſioners of exciſe, &c. may ſummon witneſſes. 12 Car. 2. c. 23, 24. 15 Car. 2. c. 11, ſ. 25. 23 Car. 2. c. 5. 11 Geo. 1. c. 30.

lawful to and for the commiſſioners of exciſe, and juſtices of the peace reſpectively, upon any information exhibited before them, for any offence committed againſt the laws of exciſe, to ſummon any perſon or perſons (other than the party accuſed) to appear before them at a certain day, time and place, to be inſerted in ſuch ſummons, and to give evidence for the diſcovery of the truth of the matter in controverſy before them; and in caſe of neglect or refuſal to appear, or if upon appearance ſuch perſon or perſons ſhall refuſe to give evidence, when he ſhall be thereunto required, every ſuch perſon ſo making default, ſhall forfeit and loſe the ſum of ten pounds, to be impoſed, recovered, levied and diſpoſed in manner as herein is directed.

Penalty for not appearing.

5 & 6 W. & M. c. 20.

XXV. *And whereas in and by one act of parliament, made in the fifth and ſixth years of the reign of his Majeſty and the late Queen* Mary *of bleſſed memory, intituled,* An act for granting to their Majeſties ſeveral rates and duties upon tunnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds, towards the carrying on the war againſt *France, it is amongſt other things enacted in the words or to the effect following, (viz.)* That true notes in writing of the laſt gauges, made or taken by the gaugers, ſhall be left by them with all brewers, makers or retailers of beer, ale, or other exciſeable liquors reſpectively, or ſome of their ſervants, at the times of their taking their gauges, containing the quantity and quality of the liquors ſo gauged, upon certain penalties in the ſaid acts mentioned: *And whereas it is neceſſary for the ſecuring his Majeſty's duties upon the liquors aforeſaid, that ſeveral gauges be taken by one or more officers of every wort of one and the ſame guile or brewing, by reaſon whereof the ſaid notes left by ſuch gaugers do not ſufficiently inform ſuch brewer or retailer how much he is charged in ſuch reſpective guile or brewing:* be it therefore enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *March*, every gauger ſhall, within three days after the end of every week, deliver to or leave with ſuch brewer or retailer, or their reſpective ſervants, a true copy, under his hand, of each reſpective charge by him made upon ſuch brewer or retailer, containing the quantity and quality of the liquors by him charged in ſuch week reſpectively; and if any ſuch gauger or gaugers ſhall refuſe or neglect to leave with ſuch brewer or retailer, or their reſpective ſervants, ſuch copy of his or their charges as aforeſaid, or ſhall charge ſuch brewer or retailer more than ſuch copy contains; ſuch gauger or gaugers ſhall forfeit and loſe, for every ſuch offence and neglect, the ſum of ten pounds, to be recovered by any perſon that ſhall ſue for the ſame, by action of debt, bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, in which no eſſoin, protection, privilege or wager of law, nor more than one imparlance ſhall be allowed.

Gauger to leave with brewer, &c. a copy of each charge by him made.

Penalty on gauger neglecting, &c. 12 Geo. 1. c. 28. ſ. 30.

XXVI. And it is hereby provided and declared, That no gauger

gauger or gaugers, who do or ſhall leave ſuch copy of his charges, as above directed and required, ſhall from henceforth be liable to any of the penalties by the former acts impoſed, for not leaving notes of the laſt gauges at the times of their taking ſuch gauges; the ſaid act, or any other act or ſtatute to the contrary notwithſtanding. Gaugers leaving copy of ſuch charges not liable to the penalties, &c.

XXVII. And for the better preventing and diſcovering of all private backs, tuns, and other private and concealed veſſels or other receptacles, and of all drains, pipes, or other conveyances to or for the ſame, uſed by any brewer, diſtiller, or other maker or retailer of exciſeable liquors, to defraud his Majeſty of any of the duties payable by them or any of them reſpectively; be it enacted by the authority aforeſaid, That from and after the ſaid five and twentieth day of *March*, that it ſhall and may be lawful to and for the officer and officers of exciſe, or any of them, in their reſpective diviſions, in the day-time, and in the preſence of a conſtable or other lawful officer for the peace (who are hereby reſpectively required to be aiding and aſſiſting therein) where they ſhall have a juſt ſuſpicion that any ſuch private backs, tuns or other veſſels aforeſaid, are uſed by any ſuch brewers, diſtillers or makers aforeſaid, on requeſt firſt made, and cauſe declared, to break open the door, or any part of ſuch brew-houſe, diſtilling-houſe, ſtore-houſe, ware-houſe, or other room in their reſpective poſſeſſions, and to enter into the ſame, and alſo break up the ground in any ſuch brew-houſe, diſtilling-houſe, ſtore-houſe, ware-houſe, or other room, or the ground near adjoining, in their reſpective poſſeſſions, to ſearch after ſuch back, tun or other veſſel aforeſaid, or any pipe or other conveyance leading thereto; and in caſe where they ſhall find any private pipe or other conveyance, to ſearch after and follow the ſame; and in caſe the ſame ſhall lead into any ground, houſe, out-houſe or place, in the poſſeſſion of any other perſon or perſons, on like requeſt, and with a conſtable, to enter into the ſame, and break open the ground, or any part of the houſe or houſes, if occaſion ſhall be, to follow ſuch private pipe, in order to find out and diſcover ſuch private and concealed back, tun or other veſſel, into which ſuch pipe or other conveyance ſhall lead, making good the ground or houſe ſo broken up, or giving reaſonable ſatisfaction for the ſame to the owner or owners thereof; and in caſe any ſuch brewer, diſtiller, or any other perſon or perſons, ſhall oppoſe or hinder ſuch officer or officers in the due execution of the powers and authorities hereby given or granted, every ſuch brewer, diſtiller, or other perſon ſo doing, ſhall forfeit and loſe for every ſuch offence the ſum of twenty pounds. Officers ſuſpecting any private back, tun, &c. may break open brew-houſe door, &c. and ſearch. Penalty on brewer, &c. oppoſing officer.

XXVIII. And it is hereby further declared, That all perſons who ſhall buy or make verjuice for ſale, ſhall be chargeable with, and pay the ſame duties as in caſe of cyder and perry. Verjuice to pay duty as cyder and perry.

XXIX. And be it further enacted by the authority aforeſaid, That all fines, penalties and forfeitures by this act impoſed, ſhall be ſued for, recovered, and levied by ſuch ways, means and Fines, penalties, &c. how to be recovered.

and methods, as any fine, penalty and forfeiture, is or may be recovered by any law or laws of exciſe, or by any action of debt, bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, and that one moiety of every ſuch fine, penalty or forfeiture ſhall be to his Majeſty, or his heirs and ſucceſſors, and the other moiety to him or them that ſhall diſcover, inform, or ſue for the ſame.

XXX. *And whereas his Majeſty's inferior officers, whether they be ſub-commiſſioners, collectors, ſupervisors, gaugers, or others employed in levying the rates, impoſitions, and duties upon beer, ale, and other exciſeable liquors, and upon ſalt, are by virtue of his Majeſty's commiſſion appointed, authorized and conſtituted, by the chief commiſſioners and governors of and for the receipt of exciſe, and rates and duties upon ſalt, or any five of them: And whereas if by the death of any one of the ſaid chief commiſſioners, who joined in the appointing, authorizing and conſtituting any ſuch inferior officer, or by the alteration or other determination of the commiſſion to the ſaid chief commiſſioners, the authority given to ſuch inferior officer or officers ſhould be determined, it would prove very prejudicial to his Majeſty, and render it impoſſible on ſuch occaſions to collect and levy the ſaid rates and duties juſtly and duly, as the ſame ought to be collected and levied:* For prevention whereof, and of all doubts and queſtions which have been or may ariſe thereupon, be it declared and enacted by the authority aforeſaid, That all ſuch inferior officers, who are, have been, or ſhall be duly and legally authorized and conſtituted in purſuance of any commiſſion under the great ſeal of *England*, ſince his Majeſty's happy acceſſion to the crown, or any ſuch commiſſion which ſhall hereafter be granted to the chief commiſſioners and governors of and for the receipt of exciſe, and rates and duties upon ſalt, do and ſhall remain and continue in their reſpective offices and employments, notwithſtanding the death or removal of any chief commiſſioner or commiſſioners, by whom they were ſo authorized and conſtituted, or any alteration, change or other determination of the commiſſion of ſuch chief commiſſioners and governors, until the authority and conſtitution of ſuch inferior officers reſpectively be, by the chief commiſſioners and governors of and for the receipt of the exciſe, and rates and duties upon ſalt for the time being, revoked or annulled.

Inferior officers of exciſe, &c. to continue in their offices, notwithſtanding the death or removal of any of the commiſſioners, &c.

XXXI. And to the end as well the whole rates and duties upon low wines, or ſpirits of the firſt extraction and ſweets hereby granted, as alſo the weekly ſum herein after mentioned to be taken and applied out of the hereditary branch of his Majeſty's revenues of exciſe upon beer, ale and other liquors, and out of that part of his Majeſty's revenues of exciſe upon beer, ale and other liquors, which is granted to his Majeſty during his life (which God preſerve) and likewiſe another weekly ſum herein after mentioned to be taken and applied out of his Majeſty's revenue ariſing within the general letter office or poſt office, or the office of his Majeſty's poſt maſter general, may be made funds or ſecurities for raiſing any ſum or ſums of

money, not exceeding in the whole five hundred and fifteen thouſand pounds (that is to ſay) any ſum or ſums, not exceeding five hundred thouſand pounds, for defraying the expences of his Majeſty's houſhold and family, and other his Majeſty's neceſſary occaſions; and any ſum, not exceeding fifteen thouſand pounds, for the relief of the poor *French* proteſtants; by borrowing monies upon the ſame rates, duties, or branches reſpectively, in ſuch proportions, manner and form, as are herein after expreſſed: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for his Majeſty, or his Majeſty's officers in the receipt of his Exchequer, to borrow or take in, by way of loan, to his Majeſty's uſe, on credit of the ſaid rates or duties upon low wines, or ſpirits of the firſt extraction, and ſweets hereby granted, any ſum or ſums of money, not exceeding ſeventy thouſand pounds, (to be reckoned part of the ſaid ſum, not exceeding five hundred and fifteen thouſand pounds, for the purpoſes aforeſaid) from any perſon or perſons, natives or foreigners, bodies politick or corporate, as ſhall be willing to advance or lend the ſame; and that intereſt for the forbearance thereof, not exceeding the rate of ſix pounds *per centum per annum* for the firſt forty thouſand pounds, and ſeven pounds *per centum per annum* for remaining thirty thouſand pounds which ſhall be ſo lent, ſhall be allowed and paid out of the ſaid rates or duties upon low wines, or ſpirits of the firſt extraction, and ſweets hereby granted; and that the money ſo to be lent, ſhall not be rated or aſſeſſed to any publick tax or aſſeſſment whatſoever.

500,000 l. for expences of the King's houſhold.

15,000 l. for relief of the French proteſtants.

King may borrow

70,000 l. on credit of the duties hereby granted,

with intereſt.

Money lent not to be taxed.

XXXII. And to the end all the money that ſhall be ſo lent to his Majeſty on the ſaid duties upon low wines, and ſpirits of the firſt extraction, and ſweets, may be well and ſufficiently ſecured, and repaid with intereſt, as aforeſaid, out of the ſame, be it further enacted by the authority aforeſaid, That the commiſſioners of the exciſe for the time being, ſhall cauſe all the monies ariſing by the ſaid duties upon low wines, ſpirits or ſweets, hereby granted, to be brought and paid from time to time, weekly, into the receipt of the Exchequer (that is to ſay) upon *Wedneſday* in every week, if it be not an holiday; and if it be, then the next day after that is not an holiday; and that there ſhall be provided and kept in his Majeſty's Exchequer (that is to ſay) in the office of the auditor of the receipts, one book in which all the ſaid monies which ſhall be paid into the Exchequer as aforeſaid, ſhall be entred apart and diſtinct from all other monies paid or payable to his Majeſty, his heirs and ſucceſſors, upon any account whatſoever.

Duties to be paid weekly into the Exchequer,

and entred apart.

XXXIII. And be it further enacted, That if the ſaid commiſſioners of exciſe for the time being ſhall refuſe or neglect to pay into the Exchequer all or any the ſaid monies of the ſaid duties upon low wines, ſpirits or ſweets, hereby appointed to be paid as aforeſaid, in ſuch manner as they are before by this act required to do, or ſhall divert or miſapply any of the ſame, then they, for every ſuch offence, ſhall forfeit their offices of

Penalty on commiſſioners neglecting or miſapplying the monies.

commiſſioners and governors for the management and receipt of the exciſe, and be incapable of any office or place of truſt whatſoever, and ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied, to any perſon or perſons, who will ſue for the ſame, by any action of debt, or of the caſe, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, ſhall be granted or allowed.

Comptroller of exciſe to keep a diſtinct account of the duties.

XXXIV. And be it further enacted, That the comptroller of the exciſe for the time being, ſhall keep a perfect and diſtinct account of all the monies which ſhall ariſe by the ſaid duties on low wines, ſpirits and ſweets hereby granted, as the ſame ſhall from time to time ariſe, come or be brought into the ſaid office of exciſe; to which account all perſons concerned ſhall have free acceſs at all ſeaſonable times, without fee or charge.

On making ſuch loans, tallies to be ſtruck, and orders for repayment with intereſt every three months.

XXXV. And be it further enacted by the authority aforeſaid, That from time to time, upon making any ſuch loans as aforeſaid, on credit of the ſaid duties on low wines, ſpirits and ſweets, tallies of loan ſhall be levied for all and every ſum and ſums of money ſo to be lent; and that orders, according to the courſe of the Exchequer, ſhall be drawn and ſigned for repayment of the ſame, and for payment of ſuch intereſt, as aforeſaid, for the forbearance thereof; the ſaid intereſt to be paid every three months until ſatisfaction of the principal ſum: and that all and every ſuch order or orders, and the monies therein to be contained, or any part thereof, ſhall be aſſignable and transferrable without power of revocation, ſo as the aſſignments thereof be endorſed upon the reſpective orders, and entred or notified in the office of the auditor of the receipt of the Exchequer, in a book to be there kept for that purpoſe: and that a diſtinct regiſter ſhall be kept in the ſaid receipt of Exchequer, of all the ſaid orders of repayment, not exceeding ſeventy thouſand pounds, in which the ſaid orders ſhall be regiſtred in courſe, according to the date of the tallies reſpectively, without any other preference of one before another: and that every perſon ſhall be paid in courſe, as his order ſhall ſtand entred in ſuch regiſter book, out of the ſaid duties upon low wines, ſpirits and ſweets, by this act granted, which are hereby appropriated thereunto; and that no fee, reward or gratuity, directly or indirectly, ſhall be demanded or taken, for providing or making any ſuch book or regiſter, or for any view or ſearch in the ſame, by any of his Majeſty's officers, their clerks or deputies, on pain of forfeiting treble damages to the party grieved, to be recovered as aforeſaid, either for demanding or taking any ſuch fee or gratuity, or for giving any undue preference in point of regiſtry or payment.

Orders to be aſſignable.

A regiſter to be kept of all the ſaid orders, and orders to be paid as they ſtand entred.

No fee to be taken for regiſtry or ſearches. Penalty.

Orders of the ſame date, no undue preference.

XXXVI. Provided always, That if it happen that ſeveral of thoſe tallies and orders bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, it ſhall be interpreted no undue preference which of thoſe he entred firſt.

XXXVII. Pro-

XXXVII. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, or the clerk of the pells record, and the tellers do pay ſubſequent orders of perſons that come and demand their monies, and bring their order before other perſons that did not come to demand their money, and bring their order in their courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders; which ſhall not be otherwiſe diſpoſed, but kept for them; yet ſo as that intereſt of loan ſhall in that caſe ceaſe from the time the money is ſo reſerved and kept in bank for them.

Nor where money is reſerved for ſatisfying precedent orders.

Intereſt to ceaſe.

XXXVIII. And whereas ſeveral tallies of *Pro*, or aſſignment, and other tallies, have been levied or ſtricken at the receipt of his Majeſty's Exchequer, upon the ſaid hereditary branch of his Majeſty's revenues of exciſe, upon beer, ale, and other liquors, and upon that part of the ſaid revenues of exciſe, which is granted to his Majeſty during his life (which God preſerve) or upon either of them jointly or ſeverally, and divers ſums of money upon the ſaid tallies, do now remain unſatisfied, which with intereſt for the ſame, or for ſome of them, are appointed or intended to be ſatisfied or paid out of the produce of thoſe branches of exciſe in courſe, according to the dates of the ſaid tallies ſo remaining unſatisfied: be it therefore further enacted by the authority aforeſaid, That weekly and every week, from and after the twentieth day of *April*, one thouſand ſix hundred ninety ſix, the ſum of ſix thouſand pounds, out of the money from time to time ariſing in the office of the general receipt, for the particular branches or duties of exciſe before mentioned, which are commonly called the hereditary and temporary exciſe, or either of them, ſhall be ſeparated and kept apart, and ſhall upon *Wedneſday* in every week, if the ſame be not an holiday, but if the ſame be an holiday, then the next day after that is not ſo, be iſſued, paid and applied, and the ſame is hereby appropriated, to and for the payment and ſatisfaction of the ſaid tallies already levied, and now remaining unſatisfied on the ſaid particular branches of exciſe, or either of them, and the intereſt thereof, not exceeding the rate of ſix pounds *per centum per annum*, until the ſame ſhall be fully ſatisfied and paid off; and from and after the full ſatisfaction thereof, then the like weekly ſum to ariſe, as aforeſaid, ſhall in like manner be ſeparated and kept apart, iſſued, paid and applied, and the ſame is hereby appropriated, to and for the repayment and ſatisfaction of ſuch further ſum and ſums of monies, not exceeding in the whole the ſum of four hundred thouſand pounds, as by or upon the credit of this act ſhall be borrowed or charged thereupon, as part of the ſaid ſum, not exceeding five hundred and fifteen thouſand pounds, intended to be raiſed for the ſeveral purpoſes aforeſaid, and the intereſt of the monies ſo to be borrowed, not exceeding ſeven pounds *per centum per annum* for the firſt two hundred thouſand pounds, and eight pounds *per centum per annum* for the remaining two hundred thouſand pounds, ſo as that the tallies

6000 l. a week to be ſeparated from the branches of exciſe, &c. for payment of tallies and intereſt.

And after applied for payment of 400,000 l. borrowed on this act.

Intereſt.

Tallies to be paid in courſe, and intereſt every three months. *Explained as to tallies by* 8 W. 3. c. 3. ſ. 3.

for the principal ſums reſpectively, ſhall be paid in courſe, according to their reſpective dates, until the ſame ſhall be fully diſcharged and paid off; and the intereſt upon every ſuch tally ſhall be paid every three months, until the ſatisfaction of the principal; and the chief commiſſioners of his Majeſty's revenues of exciſe for the time being, are hereby authorized, and ſtrictly enjoined and required, to cauſe the ſaid weekly ſum, ariſing, or to ariſe, as aforeſaid, to be paid and applied accordingly, without diverting or miſapplying the ſame, or any part thereof, to any other uſe, intent or purpoſe whatſoever, and without giving any undue preference in the payment of the ſaid tallies laſt mentioned, or any of them, under the penalty of forfeiting treble damages, beſides coſts of ſuit, to the party grieved, who ſhall or may ſue for or recover the ſame by action of debt, or on the caſe, or by bill, ſuit or information, as aforeſaid; and in caſe in any week or weeks the whole receipt of the monies upon the ſaid particular branches, called, The hereditary and temporary exciſe, ſhall not be ſufficient to anſwer the weekly payment or payments hereby directed for ſuch particular week or weeks, That then and ſo often, the deficiency or deficiencies thereof ſhall be ſupplied and made good out of the whole receipts upon the ſaid particular branches of exciſe ariſing in the next, or any ſubſequent week or weeks wherein ſuch receipt or receipts ſhall be ſufficient to bear or make good the ſame.

Deficiency of weekly payments to be made good out of the whole receipts.

Tallies to be aſſignable, and monies lent not to be taxed.

XXXIX. And be it further enacted by the authority aforeſaid, That the monies which ſhall be lent and ſecured by ſuch tallies as aforeſaid, and the tallies for the ſame, and the intereſt thereof, ſhall be aſſignable and transferrable from one perſon to another, and ſo over, without power of revocation, ſo as the aſſignments or transferrences thereof be entred or notified in a book for that purpoſe, to be kept in the head office of the exciſe in *London*; and that no money ſo to be lent on credit of the ſaid weekly ſum of ſix thouſand pounds, ſhall be charged or aſſeſſed to or for any publick tax or impoſition whatſoever.

Commiſſioners of exciſe to keep a regiſter of tallies, &c.

XL. And to the end all the monies hereby appropriated, or intended to or for the ſatisfaction of the ſaid tallies laſt mentioned, and the intereſt thereof, may be duly applied thereunto and not diverted to any other uſe, be it further enacted by the authority aforeſaid, That there ſhall be provided and kept by the ſaid commiſſioners of exciſe, in their head office aforeſaid, one book, in which all the ſaid tallies, levied or to be levied, as aforeſaid, upon producing or ſhewing the ſame to them or their clerk, to be appointed for keeping the ſaid book, ſhall be entred and regiſtred, and the particular dates thereof ſhall be expreſſed, according to which dates every perſon is to be paid in courſe, as aforeſaid; and that all perſons concerned ſhall have free acceſs to the ſaid book at all ſeaſonable times; and that no fee, reward, or gratuity, directly or indirectly, ſhall be demanded or taken by the ſaid commiſſioners of exciſe, or any of their officers, clerks or ſubſtitutes, for the payment of the ſaid tallies, or any of them, or of any view, ſearch or entry, concerning the

To which all perſons may have free acceſs without fee.

the ſame, under the penalty that the perſon offending therein, ſhall be forejudged from his place or office, and be uncapable to ſerve his Majeſty therein. Penalty.

XLI. Provided always, and it is hereby declared, That it ſhall not be interpreted an undue preference or miſapplication, where any tally or tallies ſhall not be brought to the ſaid office to be entred, before they come in courſe of payment, to ſatisfy any tally of a ſubſequent date before the ſame; and if it ſhall happen that ſeveral tallies ſhall bear the ſame date, the ſaid commiſſioners may cauſe them to be entred and ſatisfied one after another; and it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the ſaid commiſſioners of exciſe do pay ſubſequent tallies of perſons who come and demand their money, and bring their tallies before other perſons that did not come to demand their money, and bring their tally in courſe, ſo as there be ſo much money reſerved as will ſatisfy preceding tallies, which ſhall not be otherwiſe diſpoſed, but kept for them; nevertheleſs in ſuch caſes the intereſt ſhall ceaſe from the time the money is ſo reſerved and kept in bank for them. No undue preference where tally is not brought in courſe. Intereſt to ceaſe, when money is reſerved for payment of tallies.

XLII. Provided always, That any thing in this act contained, concerning the ſaid weekly payment, ſhall not be conſtrued to obſtruct or hinder the payment of ſalaries or other incident charges, neceſſary for the management of his Majeſty's revenues of exciſe upon beer, ale and other liquors; any thing in this act contained to the contrary notwithſtanding.

XLIII. And whereas ſeveral tallies of *Pro* of aſſignment, or other tallies, have been alſo levied or ſtricken at the receipt of the Exchequer, upon his Majeſty's ſaid revenue ariſing in the general letter-office or poſt-office, and divers ſums of money upon the ſame tallies do now remain unſatisfied: be it further enacted by the authority aforeſaid, That weekly and every week, from and after the twentieth day of *April*, one thouſand ſix hundred ninety ſix, the ſum of ſix hundred pounds out of the money or revenue from time to time ariſing in the general letter-office or poſt-office before-mentioned, ſhall be ſeparated and kept apart, and ſhall (upon *Wedneſday* in every week, if the ſame be not an holiday, and if it be, then the next day after that is not an holiday) be iſſued, paid and applied, and the ſame is hereby appropriated to and for the payment and ſatisfaction of the ſaid tallies already levied, and now remaining unſatisfied on the ſaid revenue ariſing in the ſaid office, and the intereſt thereof, not exceeding the rate of ſix pounds *per centum per annum*, until the ſame ſhall be fully ſatisfied and paid off; and from and after the full ſatisfaction thereof, then the like weekly ſum of ſix hundred pounds out of the revenue ariſing in the ſaid general letter-office, or poſt-office, ſhall in like manner be ſeparated and kept apart, iſſued, paid and applied, and the ſame is hereby appropriated to and for the repayment and ſatisfaction of ſuch further ſum and ſums of money, not exceeding in the whole the ſum of forty five thouſand pounds, as by or upon 600 l. a week to be paid out of the poſt-office for ſatisfying tallies; and after ſatisfaction thereof, to be applied for payment of 45,000 l. with intereſt.

the credit of this act ſhall be borrowed or charged thereupon, as part of the ſaid ſum, not exceeding five hundred and fifteen thouſand pounds intended to be raiſed for the ſeveral purpoſes aforeſaid, and the intereſt thereof, not exceeding ſeven pounds *per centum per annum*, ſo as that the tallies for the principal ſums reſpectively ſhall be paid in courſe, according to their reſpective dates, until the ſame ſhall be fully diſcharged and paid off; and the intereſt upon every ſuch tally ſhall be paid every three months, until ſatisfaction of the principal; and his Majeſty's poſt-maſter and poſt-maſters general for the time being, and the receiver general in the poſt-office for the time being, are hereby authorized and ſtrictly enjoined and required to cauſe the ſaid weekly ſum of ſix hundred pounds to be paid and applied accordingly; and all matters and things by this act before appointed or directed, for or concerning the due and regular payment of the ſaid tallies at the exciſe-office, by the commiſſioners or other officers there, ſhall be obſerved and executed, in relation to the payment of the ſaid tallies hereby appointed or intended to be paid at the general letter-office or poſt-office by the ſaid poſt-maſters, or other the proper officers there, and under the like penalties, as if the clauſes in that behalf were again repeated in this act.

Tallies to be paid in courſe and intereſt every three months.

Regular payment to be obſerved, under penalties.

Act not to hinder the payment of the yearly ſums granted to the prince and princeſs of Denmark.

XLIV. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend, or be conſtrued in any wiſe to hinder or delay any payment or payments whatſoever, grown due and incurred, or hereafter to grow due, for or upon the ſeveral and reſpective yearly ſums of thirty thouſand pounds, and twenty thouſand pounds by the year, granted to ſeveral perſons in truſt for his royal highneſs prince *George* hereditary of *Denmark*, and her royal highneſs the princeſs *Anne* of *Denmark*, and for ſuch further uſes as are mentioned in ſeveral letters patents under the great ſeal of *England*, bearing date on or about the twentieth day of *February*, one thouſand ſix hundred eighty five, and the twenty third day of *May*, one thouſand ſix hundred and ninety, but that the monies granted or ſettled by the ſaid ſeveral letters patents ſhall, according to the tenor thereof, be duly paid and ſatisfied out of the ſeveral branches of his Majeſty's revenue yearly, charged therewith, as if this act had never been made; any thing herein contained to the contrary notwithſtanding.

Nor the annuity to the ducheſs of Cleveland, &c.

XLV. Provided nevertheleſs, That nothing in this preſent act ſhall be taken or conſtrued to take away or interrupt the payment of one annuity or yearly ſum of four thouſand ſeven hundred pounds, due and made payable out of the profits ariſing out of the ſaid poſt-office, unto the moſt noble *Barbara*, ducheſs of *Cleveland*, or to her truſtees named in certain letters patents bearing date the nineteenth day of *January*, in the twentieth year of the reign of his late majeſty King *Charles* the Second, and confirmed afterwards by an act of parliament made in the two and twentieth and three and twentieth years of the ſaid King, but that the ſame ſhall remain payable unto her, or

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her ſaid truſtees, or to any other perſon or perſons lawfully claiming under her, them, or any of them, according to the directions, and true intent and meaning of the ſaid letters patents; any thing in this preſent act to the contrary in any wiſe notwithſtanding.

XLVI. Provided nevertheleſs, and be it enacted, That true notes in writing of every gauge made or taken, ſigned by the gaugers, containing the inches and tenths, of the backs, and wants of the tuns, and the quality of the ſaid liquors reſpectively, ſhall be left by them with all common brewers of beer or ale, or ſome one of their ſervants (if demanded) at the time of their taking the ſaid gauges, on pain to forfeit for every neglect or refuſal the ſum of forty ſhillings, with coſts of ſuit, to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint or information, wherein no privilege or wager of law ſhall be allowed, nor any more than one imparlance.

Penalty on gaugers neglecting to leave notes of every gauge, &c. with brewers, &c.

XLVII. *And whereas by an act of parliament paſſed this preſent ſeſſions, intituled,* An act for remedying the ill ſtate of the coin of the kingdom, *it is (amongſt other things) enacted,* That in regard the ſmall pieces of the new monies to be coined will be moſt uſeful in commerce, that from and after the fourth day of *February*, one thouſand ſix hundred ninety five, the maſter and worker of his Majeſty's mint for the time being ſhall, upon every hundred pound weight *Troy* of ſterling ſilver to be coined from the clipt money, purſuant to the direction of that act, from time to time cauſe at leaſt forty pounds weight *Troy* to be coined into ſhillings, and ten pounds weight *Troy* to be coined into ſixpences, beſides the other coins which he is to make out of the ſame, purſuant to the indenture of the mint; and that in caſe the maſter and worker of the mint ſhall omit ſo to do, he ſhall forfeit for every ſuch offence twenty pounds, the one moiety thereof to his Majeſty, the other moiety thereof to the informer, to be recovered by action of debt, bill, plaint or information, wherein no wager of law, protection, privilege, imparlance, or eſſoin, ſhall be allowed: *and foraſmuch as the penalty for not making the ſeveral ſpecies of money in quantity in the ſaid act directed, is wholly and only laid on the maſter and worker of the mint, whoſe part is only to deliver clean ſilver plates to the corporation of moneyers, from which the ſaid corporation are to make and mark the ſaid monies, for which they, by indenture of the ſaid mint, are to have nine pence half penny* per *pound weight* Troy *for all ſuch ſilver made into monies, and one penny* per *pound weight* Troy *more for their better and more exact fizing and making the money:* now for the more ſpeedy and effectual coining of the ſaid money into the ſeveral ſpecies, purſuant to the ſaid act of parliament, be it enacted by the authority aforeſaid, That if the ſaid corporation of moneyers, (being from time to time ſupplied with ſufficient clean ſilver plates by the maſter and worker, for the making the ſeveral ſpecies aforeſaid) ſhall refuſe or neglect to make and mark the ſame into monies of the ſeveral ſpecies in the ſaid act directed, at the prices aforeſaid, or ſhall not imploy

12 Geo. 1. c. 28. ſ. 30. 7 W. 3. c. 1.

Moneyers refuſing to mark the ſilver plate into monies, and keep the mills at work, maſter and

worker of the mint may employ other perſons, &c.

imploy ſo many men and horſes as ſhall be ſufficient to keep all the ten mills (when furniſhed) from time to time in full work, for twenty hours in each day, that then, in both or either of the ſaid caſes, it ſhall and may be lawful for the maſter and worker of the mint for the time being to uſe and imploy ſuch and ſo many other perſons, and ſo many horſes, and pay them for the making, doing and performing of the ſaid work, as ſhall be neceſſary, and to him ſhall ſeem needful; any uſage, claim, or contract, or any other matter which ſhall or may be pretended by the ſaid corporation of moneyers to the contrary notwithſtanding.

CAP. XXXI.

An act for continuing to his Majeſty certain duties upon ſalt, glaſs wares, ſtone and earthen wares, and for granting ſeveral duties upon tobacco pipes, and other earthen wares, for carrying on the war againſt France, *and for eſtabliſhing a national land bank, and for taking off the duties upon tunnage of ſhips and upon coals.*

5 & 6 W. & M. c. 7.

WHEREAS *by an act made at the parliament held in the fifth and ſixth years of the reign of his preſent Majeſty, and the late Queen* Mary *of bleſſed memory, intituled,* An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France, it was enacted, That from and after the five and twentieth day of* March, *one thouſand ſix hundred ninety four, there ſhould be throughout the kingdom of* England, *dominion of* Wales, *and town of* Berwick *upon* Tweed, *raiſed, levied, collected, and paid unto their Majeſties, their heirs and ſucceſſors, until the ſeventeenth day of* May, *which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſeven, and no longer, for ſalt, the ſeveral rates and duties therein mentioned:* we your Majeſty's moſt loyal and dutiful ſubjects, the commons in parliament aſſembled, being ſenſible of the great and neceſſary expence in which your Majeſty is engaged for carrying on the preſent war againſt the *French* King, and being deſirous to ſupply the ſame in ſuch manner as may be leaſt grievous to your Majeſty's ſubjects, therefore, for the encouragement of ſuch perſons who ſhall voluntarily contribute to the advancing and paying into your Majeſty's *Exchequer*, towards carrying on the ſaid war, any ſum or ſums of money, not exceeding the ſum of five and twenty hundred and ſixty four thouſand pounds, upon the reſpective terms and recompences herein after mentioned, we your Majeſty's ſaid loyal and dutiful ſubjects, the commons in parliament aſſembled, have given and granted, and do hereby give and grant unto your Majeſty, your heirs and ſucceſſors, Kings and Queens of *England*, the ſeveral rates and duties herein after mentioned.

Duties on ſalt.

II. And be it enacted by the King's moſt excellent majeſty, by

by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in parliament aſſembled, and by the authority of the ſame, That all and every the rates and duties upon ſalt granted by the ſaid recited act, ſhall be raiſed, levied, collected, anſwered, and paid unto your Majeſty, your heirs and ſucceſſors, Kings and Queens of *England*, for ever, in the ſame manner and form, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned in the ſaid act for raiſing, levying, collecting, anſwering and paying the ſame, for the term granted in the ſaid act; and that the ſaid recited act, and every article, rule, and clauſe therein mentioned, as for and concerning the rates, duties, and impoſitions upon ſalt, ſhall continue and be in full force for ever, as fully and amply, to all intents and purpoſes, as if the ſame were particularly recited, expreſſed, and enacted in the body of this act.

granted for ever, as directed by 5 & 6 W. & M. c. 7. *Rep.* 3 Geo. 2. c. 20. *and revived for other uſes by* 5 Geo. 2. c. 6. *and continued by* 18 Geo. 2. c. 5.

III. And be it further enacted by the authority aforeſaid, That the commiſſioners and governors for management and receipt of the exciſe, at the head office in *London*, for the time being, ſhall ſeparate and keep apart all and every the monies ariſing by the rates and duties hereby granted and continued, as the ſame ſhall from time to time ariſe, or be paid into the ſaid office of exciſe, by the receivers or collectors of the ſame, or by any other perſon or perſons whatſoever; and the ſaid commiſſioners and governors of exciſe for the time being are hereby required, and ſtrictly enjoined from time to time for ever, to pay weekly, *viz.* on *Wedneſday* in every week, if it be not an holiday, and if it be, then the next day after that is not an holiday, all and every the monies ariſing by the rates and duties hereby granted and continued, into the receipt of his Majeſty's Exchequer, diſtinct and apart from the other monies which the ſaid commiſſioners and governors reſpectively ſhall receive for the uſe of his Majeſty, his heirs and ſucceſſors.

Commiſſioners of exciſe to keep apart the monies ariſing by the duties hereby granted, and pay the ſame weekly into the Exchequer, diſtinct from other money.

IV. And be it further enacted by the authority aforeſaid, That there ſhall be from time to time for ever provided and kept in his Majeſty's Exchequer (that is to ſay) in the office of the auditor of the receipts, one book, in which all the ſaid weekly monies which ſhall be paid into the Exchequer as aforeſaid, ſhall be entred apart and diſtinct from all other monies paid or payable to his Majeſty, his heirs and ſucceſſors, upon any account whatſoever.

A book to be kept in the Exchequer, for entring the ſaid monies.

V. And be it further enacted, That if the ſaid commiſſioners and governors for the time being ſhall refuſe or neglect to pay into the Exchequer all or any the ſaid weekly ſums appointed to be paid as aforeſaid, in ſuch manner as they are before by this act required to do, or ſhall divert or miſapply any part of the ſame, then they, for every ſuch offence, ſhall forfeit their office of commiſſioners and governors for the management and receipt of the exciſe, and be incapable of any office or place of truſt whatſoever, and ſhall be liable to pay the full value of any ſum or ſums ſo diverted or miſapplied, to any perſon intitled thereunto by

Penalty on commiſſioners neglecting or miſapplying the monies.

by virtue of this act, who will ſue for the ſame, by any action of debt, bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, wager of law, privilege, or any more than one imparlance, ſhall be granted or allowed.

Weekly ſums to be the fund.

VI. And be it further enacted, That all the ſums appointed by virtue of this act to be paid weekly into the receipt of Exchequer, ſhall be the fund for the ſeveral and reſpective intents and purpoſes herein after mentioned and expreſſed.

Salaries, &c. to be paid out of the duties.

VII. Provided always, and be it enacted, That it ſhall and may be lawful to and for his Majeſty, his heirs and ſucceſſors, out of the ſaid duties granted and continued by this act, to cauſe ſuch ſum and ſums of money to be expended and paid from time to time for ſalaries, or other incident charges as ſhall be neceſſary, in and for the receiving, collecting, levying or managing of the ſame duties; any thing in this act contained to the contrary notwithſtanding.

Comptroller of excife to keep account of the duties by 5 & 6 W. & M. c. 7.

VIII. And be it enacted, That the comptroller of the exciſe for the time being, ſhall from time to time for ever keep an account of the ſaid duties, in the ſame manner, and under the ſame penalties as in the ſaid recited act is directed, for the term thereby granted.

179,480l. to be the yearly fund.

IX. And be it further enacted, That yearly and every year, reckoning the firſt year to begin from the ſeventeenth day of *May*, one thouſand ſix hundred ninety ſix, the full ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds, out of the monies, to ariſe by the ſeveral rates and duties hereby granted and continued, and to be brought into the receipt of the Exchequer, by weekly payments as aforeſaid (in caſe the ſaid weekly payments ſhall extend thereunto) ſhall be the whole and intire yearly fund; and in caſe the ſaid weekly payments ſhall not amount to one hundred ſeventy nine thouſand four hundred and eighty pounds *per annum*, then the ſaid weekly monies or payments, ſo far as the ſame will extend, ſhall be part of the yearly fund, for and towards the anſwering and paying of the ſeveral yearly ſums herein after mentioned.

179,480l. yearly to be kept apart, to be paid as herein directed.

X. And be it further enacted by the authority aforeſaid, That for the better raiſing and paying into the receipt of Exchequer the ſum of two millions five hundred ſixty four thouſand pounds, the yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds, by and out of the duties and impoſitions granted or ariſing by this act, ſhall be kept ſeparate and apart in the ſaid receipt of Exchequer, to be paid over from time to time, unto ſuch perſon and perſons, and in ſuch manner and form as is herein after directed.

Subſcriptions for 2564000l. (bank of England excepted)

XI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful, to and for his Majeſty, by commiſſion under the great ſeal of *England*, to authorize and appoint any number of perſons to take and receive all ſuch voluntary ſubſcriptions as ſhall be made on or before the firſt day of *Auguſt*, one

one thouſand ſix hundred ninety ſix, by any perſon or perſons, natives or foreigners, bodies politick or corporate (other than the governor and company of the bank of *England*, for and towards the raiſing and paying into the receipt of Exchequer the ſaid ſum of two millions five hundred ſixty four thouſand pounds, and to take and receive all ſuch voluntary ſubſcriptions as ſhall be made of land, on or before the ſaid firſt day of *Auguſt*, in ſuch manner and form as is herein after limited and appointed; and that the yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds, ariſing by and out of the ſaid duties and impoſitions before mentioned, ſhall be applied, iſſued, and directed, and is hereby appropriated to the uſe and advantage of ſuch perſon or perſons, bodies politick or corporate, as ſhall make ſuch voluntary ſubſcriptions and payments of the ſaid two millions five hundred ſixty four thouſand pounds, their executors, ſucceſſors and aſſigns for ever, proportionable to the ſubſcription of each perſon or body politick ſo ſubſcribing the ſame, and ſhall from time to time, as the ſame ſhall come into the ſaid receipt of Exchequer be iſſued and paid accordingly.

Subſcriptions of lands.

1794*l.* to be applied to the uſe of the ſubſcribers and to their aſſigns for ever.

XII. And be it further enacted, That the commiſſioners of his Majeſty's treaſury, and the under treaſury of the Exchequer now being, and the lord high treaſurer and under treaſurer or commiſſioners of the treaſury for the time being, are hereby ſtrictly enjoined and required by virtue of this act, and without any further or other warrant, to be ſued for, had or obtained from his Majeſty, his heirs or ſucceſſors, to direct their warrants yearly for the payment of the ſaid yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds, to the contributors of the ſaid ſum of two millions five hundred ſixty four thouſand pounds, in the manner and proportion in and by this act directed and appointed; and the auditor of the receipt of Exchequer, and all other officers of the Exchequer for the time being, are hereby directed and enjoined to iſſue the ſaid monies ſo ſet apart, for the uſes hereby directed, from time to time, without any fee or reward, under the like penalties, forfeitures and diſabilities, as are hereafter inflicted upon any officer for diverting any monies appropriated or applied by this act.

Commiſſioners of the treaſury to direct the ſaid payment.

Officers of Exchequer to iſſue the ſaid monies without fee.

XIII. And be it further enacted, That it ſhall and may be lawful for his Majeſty, by letters patents under the great ſeal of *England*, to incorporate all and every the ſubſcribers and contributors of land and money, their executors, ſucceſſors and aſſigns, to be one body corporate and politick, by the name of *the governor and company of the national land bank*, and by the ſame name of the governor and company of the national land bank to have perpetual ſucceſſion, and a common ſeal; and that they and their ſucceſſors, by the name aforeſaid, ſhall be able and capable in law, to have, purchaſe, receive, poſſeſs, enjoy and retain, to them and their ſucceſſors, any lands, rents, tenements and hereditaments, of what kind, nature, quality or value ſoever, without any further licence, and alſo to ſell, grant, demiſe, aliene or diſpoſe the ſame, and by the ſame name to ſue and implead,

Contributors incorporated by the name of *the governor and company of the national land bank*, to have perpetual ſucceſſion and a common ſeal, to purchaſe lands

ſue and implead, and make by-laws.

plead, and be ſued and impleaded, anſwer and be anſwered, in courts of record or elſewhere, and to make by-laws and ordinances for the better regulation and government of the ſaid corporation, as they ſhall think fit, and to do and execute all and ſingular other matters and things, by the name aforeſaid, that to them ſhall or may appertain to do.

If the whole be not paid by 1 January, 1696. Subſcribers to receive only 7l. per cent. per ann.

XIV. Provided always, and it is hereby further enacted, That in caſe the whole ſum of two millions five hundred ſixty four thouſand pounds ſhall not be advanced and paid into the ſaid receipt of Exchequer, by the ſaid governor and company, to be eſtabliſhed as aforeſaid, before the firſt day of *January*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety ſix, that then the ſubſcribers and contributors for and towards raiſing the ſaid two millions five hundred ſixty four thouſand pounds, their executors, ſucceſſors and aſſigns, ſhall only have and receive ſo much, and ſuch part and proportion of the ſaid yearly fund, as ſhall be after the rate of ſeven pounds *per cent. per annum*, for ſuch ſum or ſums of money as ſhall be ſo reſpectively paid and advanced.

After incorporation to be paid to the governor and ſucceſſors for ever, in truſt for payment of bills under their common ſeal, and for the members in proportion to their ſtocks.

XV. And be it further enacted, That from and after the granting the ſaid letters patents of incorporation, the ſaid yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds, or ſo much thereof as ſhall be proportionable to the ſeveral ſum or ſums before that time advanced, or to be then afterwards advanced, before the ſaid firſt day of *January*, one thouſand ſix hundred ninety ſix, as aforeſaid, ſhall be iſſued and paid to the ſaid governor and company, and their ſucceſſors for ever, in manner as by this act is directed; and that the ſaid governor and company, and their ſucceſſors for ever, ſhall from time to time have and receive the ſame, in truſt, in the firſt place, for paying and ſatisfying all bills and other charges which they ſhall from time to time charge thereupon under their common ſeal; and from and after payment and ſatisfaction of ſuch bills and charges, then in truſt for the ſeveral and reſpective members of the ſaid corporation, according to the proportion of their ſeveral ſtocks therein.

Intereſts and ſtocks to go to executors.

XVI. And be it further enacted, That the intereſts and ſtocks of the money in the ſaid corporation, ſhall go to executors and adminiſtrators, and not to heirs, and ſhall be transferrable and deviſeable in ſuch manner as his Majeſty ſhall direct in and by the ſaid letters patents, and not otherwiſe.

If the whole be not contributed, corporation to ceaſe, and what belongs to ſubſcribers to be transferrable and entred within 20 days gratis.

XVII. Provided always, and be it enacted and declared, That in caſe the ſum of two millions five hundred ſixty four thouſand pounds, or one moiety thereof, be not ſubſcribed on or before the ſaid firſt day of *Auguſt*, one thouſand ſix hundred ninety ſix, that then the powers and authorities in this act, for erecting a corporation as aforeſaid, ſhall ceaſe and determine, any thing herein contained to the contrary notwithſtanding; and that then, and in ſuch caſe, ſo much of the ſaid yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds as ſhall belong

long to the ſaid ſubſcribers, according to the meaning of this act, ſhall be transferrable by the reſpective ſubſcribers, their reſpective executors, ſucceſſors, or aſſigns, to any perſon or perſons whatſoever, by any writing or writings under the hand and ſeal of the perſon or perſons transferring the ſame, atteſted by two or more credible witneſſes, and entred within twenty days after the ſealing thereof, in a book or books to be for that purpoſe kept in the ſaid Exchequer, by his Majeſty's remembrancer for the time being (for the entring whereof nothing ſhall be paid) which entries the ſaid remembrancer is hereby required (upon requeſt) to make.

A fourth part to be paid down, or in default ſubſcription to be void.

XVIII. Provided always, and be it further enacted, That every ſubſcriber ſhall, at the time of ſuch ſubſcription, pay, or cauſe to be paid unto the ſaid commiſſioners one fourth part of his or her ſubſcription; and in default thereof, ſuch ſubſcription ſhall be void, and that the reſidue of the ſaid ſubſcriptions ſhall be paid into the receipt of his Majeſty's Exchequer, as his Majeſty ſhall direct, before the ſaid firſt day of *January*, one thouſand ſix hundred and ninety ſix; and in default of ſuch payments, that then the ſaid fourth part firſt paid as aforeſaid, ſhall be forfeited to and for the benefit of his Majeſty, his heirs and ſucceſſors.

Reſidue to be paid before 1 Jan. 1696. Forfeiture.

Perſon having ſtock or place in the bank, to have no intereſt or place in this corporation.

XIX. And be it further enacted, That no perſon having any intereſt, by his own ſubſcription or purchaſe, in the ſtock of, or having any office or place in the bank of *England*, ſhall at the ſame time have any ſuch intereſt as aforeſaid, in the ſtock of, or any office or place in the ſaid corporation hereby intended; and that no perſon being a truſtee, director, manager, or other officer of the incorporation hereby intended, ſhall at the ſame time have any ſuch intereſt as aforeſaid in the ſtock of, or any office or place in the bank of *England*, under the penalty of the forfeiture of ſuch perſons reſpective intereſt in each ſtock, one moiety to his Majeſty, his heirs and ſucceſſors, and the other moiety to the informer, to be recovered by action of debt, bill, plaint or information in any of his Majeſty's courts at *Weſtminſter*, wherein no eſſoin, protection, privilege or wager of law ſhall be allowed, nor any more than one imparlance.

Penalty on truſtee, directors, &c. having at the ſame time any intereſt in the ſtock or place, &c.

Penalty on advancing money on any other fund than by credit of loan given by parliament.

XX. Provided alſo, and be it further enacted, That if the governor and company, or any members of the ſaid corporation ſo to be eſtabliſhed, ſhall upon the account of the ſaid corporation, at any time or times purchaſe any lands or revenues belonging to the crown, or advance to his Majeſty, his heirs or ſucceſſors, any ſum or ſums of money, by way of loan or anticipation, on any part or parts, branch or branches, fund or funds of the revenue now granted or belonging, or hereafter to be granted or belonging to his Majeſty, his heirs or ſucceſſors, other than ſuch fund or funds, part or parts, branch or branches of the ſaid revenue only, on which a credit of loan is or ſhall be granted by parliament, that the perſon and perſons who ſhall conſent, agree to, or approve of ſuch a purchaſe or loan, and being thereof lawfully convict, ſhall each of them, for every ſuch offence, forfeit treble the value of every ſuch ſum or ſums of money

money ſo lent, whereof one fifth part ſhall be to the informer, to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint or information, wherein no protection, wager of law, eſſoin, privilege of parliament, or other privilege ſhall be allowed, or any more than one imparlance, and the reſidue to be diſpoſed of towards publick uſes, as ſhall be directed by parliament, and not otherwiſe.

Corporation not to trade by themſelves or others with the ſtock.

XXI. And be it further enacted, That the ſaid corporation to be made, purſuant to this act, ſhall not at any time deal or trade, or permit or ſuffer any perſon or perſons whatſoever, either in truſt, or for the benefit of the ſaid corporation, to deal or trade with any of the ſaid ſtock of monies or effects of the ſaid corporation, in the buying or ſelling any goods, wares or merchandize; and every perſon or perſons who ſhall ſo deal or trade, or by whoſe order or direction ſuch dealing or tradings ſhall be made, ſhall forfeit for every ſuch dealing or trading, and every order or direction, treble the value of the goods and merchandize ſo traded for, to ſuch perſon or perſons who will ſue for the ſame by action of debt, bill, plaint or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or other privilege whatſoever, nor any injunction, order of reſtraint nor wager of law ſhall be allowed, or any more than one imparlance.

Penalty on perſons ſo trading.

But may ſell goods of the produce of lands purchaſed by them.

XXII. Provided nevertheleſs, That nothing herein contained ſhall any ways be conſtrued to hinder the ſaid corporation from ſelling ſuch goods as ſhall or may be the produce of lands purchaſed by the ſaid corporation.

Fines, &c. againſt the corporation not to be pardoned.

Fines eſtreated into the Exchequer, ſo much of the yearly ſum to be detained as the fines amount to.

XXIII. Provided always, and be it enacted, That all amerciaments, fines and iſſues againſt the ſaid corporation and their ſucceſſors, or any officers under them, had, charged or eſtreated in or upon account of any ſuit or action to be proſecuted or brought againſt them, ſhall not be pardoned, acquitted or diſcharged by any letters of ſignet, privy ſeal or great ſeal of his Majeſty, his heirs or ſucceſſors, or otherwiſe howſoever; and in caſe any ſuch amerciaments, fines or iſſues ſhall be eſtreated into his Majeſty's Exchequer againſt the ſaid corporation, upon any proceſs for non-appearance, at the ſuit of any perſon or perſons, that then it ſhall and may be lawful to and for the officers of his Majeſty's Exchequer for the time being, who are hereby directed to pay the ſaid yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds to the ſaid corporation, to detain ſo much money as the ſaid amerciaments, fines or iſſues ſhall amount unto, out of the ſaid yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds payable to the ſaid corporation.

Yearly ſum not to ſtand charged with more than the monies paid into the Exchequer.

XXIV. And it is hereby declared and enacted, That the ſaid yearly ſum of one hundred ſeventy nine thouſand four hundred and eighty pounds, or ſuch part thereof as ſhall by this act be due to the ſaid corporation or ſubſcribers, ſhall not, at any time or times hereafter, be made uſe of for a fund or ſecurity to raiſe, pay or ſecure, nor ſhall be chargeable, or ſtand charged with any

any more, further or other bill or bills of credit, ſum or ſums whatſoever, ſave only ſuch ſums of money as ſhall, in purſuance of, and according to the intent of this act, be advanced and paid into his Majeſty's Exchequer within the time by this act limited for the ſame, and ſuch ſums as the ſaid corporation, after their purchaſe thereof, ſhall from time to time charge thereupon, as aforeſaid, not exceeding the ſum by them paid for the purchaſe thereof, as aforeſaid; and that any monies payable to any perſon or perſons, upon or by virtue of this act, ſhall not be charged or chargeable with any rates, taxes or impoſitions whatſoever.

Money payable by this act not to be taxed.

XXV. Provided further, and be it enacted, That at any time, upon one year's notice, after the firſt day of *Auguſt*, which ſhall be in the year of our Lord, one thouſand ſeven hundred and ſeven, upon repayment by parliament of the ſaid ſum of two millions five hundred and ſixty four thouſand pounds, or ſuch part thereof as ſhall be paid and advanced as aforeſaid, unto the ſaid corporation, or the reſpective ſubſcribers and contributors thereof, their executors, ſucceſſors or aſſigns, and of all arrears of the ſaid yearly payments of one hundred ſeventy nine thouſand four hundred and eighty pounds, or of the proportionable part thereof, according to the ſum which ſhall be paid and advanced, that then, and from thenceforth, the ſaid yearly payments of one hundred ſeventy nine thouſand four hundred and eighty pounds, or of the proportionable part thereof, as aforeſaid, and every part thereof, and the ſaid corporation, ſo far as the ſame relates to the ſaid two millions five hundred and ſixty four thouſand pounds, ſhall abſolutely ceaſe and determine; any thing herein contained in any wiſe to the contrary notwithſtanding.

In a year's notice after 1707. on repayment of 2564000l. and arrears of the yearly ſum, by parliament, the corporation to determine.

XXVI. Provided nevertheleſs, That for preventing the forfeiture, eſcheat or reverter of any lands, intereſts or eſtates, which ſhall be conveyed unto, or ſettled upon the ſaid corporation, it is hereby declared and enacted, That neither the redemption of the ſaid fund, or any other act or default of the ſaid corporation, nor any judgment to be given againſt the ſame, ſhall be, or be conſtrued to, or extend to be a forfeiture, eſcheat or reverter of any lands, or other intereſts or eſtates, of which the ſaid corporation, or any perſons in truſt for them, ſhall be from time to time ſeized or poſſeſſed; but the ſame, and every part thereof, ſhall notwithſtanding continue, remain and be ſubject and liable to all and every the lawful uſes, truſts, intents and purpoſes, for which the ſame ſhall be conveyed unto, or ſettled upon the ſaid corporation, or any perſons in truſt for them.

Redemption of the fund, &c. not to extend to forfeiture of lands, but be ſubject to all lawful uſes for which conveyed.

XXVII. And whereas by one other act made at the ſame parliament held in the ſaid fifth and ſixth years of the reign of his Majeſty and of the late Queen *Mary*, intituled, *An act for granting to their Majeſties ſeveral rates and duties upon tunnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of fifteen hundred thouſand pounds, towards carrying on the war againſt* France, it was enacted, That for and during the term of four years, commencing from the firſt

5 & 6 W. & M. c. 20. Rates of tunnage of ſhips, beer, ale, &c. 1500000l.

day of *June*, one thouſand ſix hundred ninety four, there ſhould be paid unto their Majeſties, their heirs and ſucceſſors, for and upon the tunnage of ſhips, the ſeveral rates and duties in the ſaid act mentioned: and whereas alſo by one other act made at the ſame parliament, held in the ſixth and ſeventh years of his ſaid Majeſty's reign, intituled, *An act for granting unto his Majeſty certain duties upon glaſs wares, ſtone and earthen bottles, coals and culm, for carrying on the war againſt* France, it is enacted, That for all ſorts of coals and culm (except charcoal made of wood) which from and after the nine and twentieth day of *September*, in the year of our Lord, one thouſand ſix hundred ninety five, ſhould be water-born, or ſhould be laid on board any ſhip or veſſel, to be carried, imported or brought, or which ſhall be carried, imported or brought in any ſhip or veſſel into any port or place in the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, from any port or place within the ſaid kingdom, dominion or town of *Berwick*, or from the kingdom of *Scotland*, in or during the ſpace of five years, commencing from the ſaid nine and twentieth day of *September*, there ſhould be paid and anſwered unto his Majeſty, his heirs and ſucceſſors, (over and beſides all other impoſitions, duties, and ſums of money, in any wiſe due or payable for the ſame) the ſeveral and reſpective impoſitions, rates and duties therein mentioned: be it enacted, That the ſaid ſeveral acts, as to the ſaid rates and duties for tunnage, coals and culm as aforeſaid ſhall continue and be in force until the ſeventeenth day of *May*, one thouſand ſix hundred ninety and ſix, and no longer; and that from thenceforth all and every the duties thereby raiſed, for tunnage, coals, and culm, as aforeſaid, ſhall ceaſe, and be no more payable.

6 & 7 W. 3. c. 18. Glaſs wares, &c. coals and culm.

Further continued for five years.

XXVIII. And it is hereby further enacted, That out of the monies which ſhall be paid into the receipt of Exchequer by virtue of this act, by all or any the ways and means herein mentioned, the ſum of five hundred ſixty thouſand pounds ſhall be, and is hereby appropriated for paying and diſcharging ſo much as yet remains unpaid of the ſum of five hundred ſixty four thouſand and ſeven hundred pounds, together with intereſt for the ſame, which hath been advanced and paid into the receipt of Exchequer, by way of loan, upon ſecurity of the ſaid act, intituled, *An act for granting to his Majeſty certain duties upon glaſs wares, ſtone and earthen bottles, coals and culm, for carrying on the war againſt* France, and that the ſum of one hundred and forty thouſand pounds ſhall be, and is hereby appropriated for anſwering and making good the rates and duties of tunnage upon ſhips, granted as aforeſaid, which ſhall ariſe and become payable by virtue of the ſaid recited act for that purpoſe, from the ſaid ſeventeenth day of *May*, one thouſand ſix hundred ninety ſix until the ſeventeenth day of *May*, one thouſand ſix hundred ninety ſeven; and that the ſum of one hundred and forty thouſand pounds ſhall be, and is hereby appropriated for anſwering and making good the rates and duties upon ſalt, granted as aforeſaid, which ſhall ariſe and become payable by virtue of the ſaid recited act for that pur-

560000l. to be for paying the remainder of 564700l. and intereſt advanced on ſecurity of the foreſaid act.

140000l. for making good the rates of tunnage of ſhips.

A like ſum for making good the duties on ſalt.

purpoſe, from the ſaid ſeventeenth day of *May*, one thouſand ſix hundred ninety ſix, until the ſaid ſeventeenth day of *May*, one thouſand ſix hundred ninety ſeven.

Rules appointed by 1 W. M. ſeſſ. 2. c. 1. Two ſhillings in the pound, to be in force for diſtributing the ſums hereby appropriated.

XXIX. And that the ſums by this act appropriated may not be diverted or applied to any other purpoſe than is hereby declared and intended, be it enacted by the authority aforeſaid, That the rules and directions appointed and enacted in an act made in the firſt year of the reign of his ſaid Majeſty and the late Queen *Mary*, intituled, *An act for a grant to their Majeſties of an aid of two ſhillings in the pound for one year*, for the ſpeedy payment of the money thereby granted into the receipt of Exchequer, by the collectors and receivers, and for diſtribution and application thereof, and keeping diſtinct accounts of the ſame, and all other proviſoes, pains, penalties and forfeitures, thereby enacted, in caſe of diverſion of any money thereby appropriated, are hereby revived, and enacted to be in force, and ſhall be practiſed, applied, executed and put in ure, for and concerning the diſtribution and application of the ſaid ſums hereby appropriated, as fully, amply and effectually, as if the ſame were here particularly repeated and re-enacted.

300000l. to be lent at 3l. 10s. per cent. per ann. to be paid quarterly, or 4l. per cent. payable half-yearly.

XXX. And whereas the intent of incorporating the ſubſcribers as aforeſaid, is in order to enable them to lend monies on ſecurities of lands at low intereſt, be it enacted by the authority aforeſaid, That the ſaid governor and company ſhall lend out the ſum of five hundred thouſand pounds *per annum* at the leaſt, over and above what they ſhall lend to members of the ſaid corporation, on land ſecurities, at intereſt not exceeding three pounds ten ſhillings *per centum per annum*, payable quarterly, or four pounds *per centum per annum*, payable half-yearly, at the election of the owners of the lands, in caſe ſufficient ſecurities for the ſame be tendred unto them.

Aſſignments of lands to be entred in books kept by the corporation.

XXXI. And for the better enabling them to do the ſame, and for the better aſſuring the titles of all lands which ſhall be conveyed unto them, or any perſons in truſt for them, and for the more eaſy and ready transferring the ſeveral intereſts therein, and keeping the accounts thereof, be it enacted, That all conveyances or aſſignments of any lands, intereſts or eſtates which ſhall be from time to time conveyed unto, or ſettled upon the ſaid corporation, or any perſons in truſt for them, for ſecurities or otherwiſe, or ſome notes, entries or memorandums of ſuch conveyances ſhall be from time to time entred or regiſtred in regiſter-books or books of entry, to be provided and kept by the ſaid corporation for that purpoſe; and that from and after the execution of ſuch conveyances or aſſignments, and entring, regiſtring or noting the ſame in the regiſter-books, as aforeſaid, that all and every ſuch lands, intereſts and eſtates, as long as the ſame ſhall continue ſo ſettled, ſhall from time to time be aſſignable, transferrable and chargeable by the reſpective owners thereof, in the ſame or other regiſter-books of the ſaid corporation, or by virtue thereof, and not elſewhere, nor otherwiſe, unleſs by will duly made and publiſhed.

Lands ſo entred may be aſſigned.

XXXII. And whereas bills of credit given out by corpora-

tions, under their common ſeal, do no ways affect the lands or real eſtates of ſuch corporations until judgment be had thereon; by reaſon whereof ſeveral corporations have conveyed away and diſpoſed their effects from their creditors, and left them without remedy for recovering their debts: for preventing which miſchief, and for making the bills of credit, which ſhall be given out by the ſaid governor and company, upon ſecurities of lands, to be a certain and ſafe ſecurity to the perſons accepting the ſame: be it enacted, That when the ſaid governor and company ſhall take conveyances of any lands or other intereſts or eſtates, with powers from the owners thereof, to charge the ſame with the monies borrowed thereon, the ſaid governor and company ſhall charge the ſame by bills of charge in like form as followeth, *viz. The governor and company of the national land bank do hereby charge the lands*, &c. *Entred in* libro *A. No.* 1. *with payment of pounds to* A. B. &c. *for payment whereof they oblige themſelves and their ſucceſſors by theſe preſents*; which ſaid bills ſhall effectually charge the lands or other intereſts or eſtates ſo referred unto, and alſo make the ſaid corporation liable to an action of debt for the ſaid money.

Governor, &c. taking conveyance of lands, &c. to charge the ſame by bills in the form preſcribed, and the corporation liable to action of debt for the money.

XXXIII. Provided nevertheleſs, and for the more ready and ſafe diſcharging ſuch lands, intereſts or eſtates from ſuch bills of charge as aforeſaid, upon payment of the monies due thereon, or any part thereof, be it enacted, That when the owners of ſuch lands, or other intereſts or eſtate, ſhall pay off all or any monies lent by the ſaid governor and company on ſecurity thereof, and that the ſaid governor and company ſhall not at the time of ſuch payment have the bills charged on ſuch lands, or other intereſts or eſtates, ready to be delivered to ſuch owner, That in ſuch caſe the ſaid governor and company ſhall inſtead thereof deliver cancelled to the owner of the ſaid lands, or other intereſts or eſtates, ſo many bills charged on ſome other lands, or other intereſts or eſtates, as ſhall amount to the monies ſo paid off and diſcharged, and at the ſame time in the counterpart remaining with them of the bills ſtanding out upon the eſtate, in reſpect whereof ſuch payments ſhall be made, ſhall enter a transfer of the bills ſo ſtanding out, to the eſtate on which the bills delivered cancelled ſhall be charged, in theſe or the like words, *viz. Diſcharged, and transferred to* liber *A. No.* 1. and ſhall indorſe ſuch transfer on the ſaid bill ſo delivered cancelled, and in the counterpart remaining with them of the ſaid bills delivered cancelled, ſhall enter the transfer thereof in theſe or the like words, *viz. Cancelled and recharged from* L. *B. No.* 2. all which ſhall, *ipſo facto*, diſcharge the lands, or other intereſts or eſtates redeemed, in reſpect whereof ſuch money ſhall be paid, from ſo much in bills ſtanding out thereon, and ſhall charge ſuch bills on the lands or other intereſts or eſtates, to which they ſhall be ſo transferred, that when all the bills charged on any eſtates ſhall be diſcharged in manner aforeſaid, the owners of ſuch lands ſhall or may have the ſame reconveyed unto them, and for ever thenceforth hold and enjoy the ſame, freed and diſcharged from all bills or charges charged thereon by

Owners of lands paying off monies, and the company's bills not ready to be delivered, to cancel ſo many bills charged on other lands.

A tranſfer of the bills ſtanding out, to be entred in the counterpart, and to be indorſed on the bill, and entred.

All which to diſcharge and reconvey the lands, and be evidence of diſcharge.

by the ſaid governor and company; which reconveyance ſhall be an evidence of ſuch diſcharge.

Penalty for charging lands with more than lent.

XXXIV. Provided nevertheleſs, and be it enacted, That in caſe the ſaid governor and company ſhall charge any lands, intereſts or other eſtates ſo to be conveyed to them for ſecurity, as aforeſaid, with any greater ſum of money than what they ſhall lend thereon, that ſuch ſurplus charges ſhall no ways affect the ſaid lands, or other intereſts or eſtates with any ſum of money more than the monies lent thereon to the owners thereof by the ſaid governor and company; and the perſons ſo offending, ſhall for every ſuch offence forfeit and loſe treble the value of ſuch ſurplus charges, to be recovered by action of debt by the owner of ſuch lands, or other intereſts or eſtates, or by the perſon or perſons having ſuch bill or bills thereon, in which no eſſoin, protection or wager of law ſhall be allowed.

Bills under ſeal of the corporation intitled to action of debt againſt them.

XXXV. Provided, That all or any bills to be given out by the ſaid corporation, under their common ſeal, payable to any certain perſon, or the bearer, ſhall intitle the bearer thereof, whether he or ſhe be native or foreigner, to any action of debt againſt the ſaid corporation, for the recovery of the monies due thereon.

Counterfeiting ſeal or bills, felony without clergy.

XXXVI. And be it further enacted, That the forging or counterfeiting the common ſeal of the ſaid corporation, or the common ſeal of the governor and company of the bank of *England*, or any bill or bills to be given out by either of the ſaid corporations, ſhall be felony without benefit of clergy.

Intereſt on land-ſecurity, not being paid in time, lands may be ſold.

XXXVII. And for the better enabling the ſaid corporation to recover the monies to be from time to time lent by them on ſecurities of lands, or other intereſts or eſtates, as aforeſaid, be it enacted, That in caſe the intereſt to grow due thereon ſhall be behind and unpaid for two years together, and that the ſaid corporation ſhall by a monthly account, or other publick advertiſement, demand the principal money due on the lands or other eſtates or intereſts, in reſpect whereof ſuch intereſt ſhall be unpaid, and that the principal money ſo demanded ſhall not be paid within three years next after ſuch demand, that in ſuch caſe, the ſaid corporation, or their truſtees, at any time after the end of the ſaid three years, upon giving twelve months notice in writing, under the common ſeal of the ſaid corporation, to be left at the houſe or place of reſidence of the owner of ſuch land or eſtate, of the day and place for expoſing the ſaid lands or other intereſts or eſtates to a publick ſale, ſhall, or lawfully may, by ſuch publick ſale, ſell the ſame lands, or other intereſts or eſtates, to the beſt purchaſer, and out of the money ariſing by ſale detain and keep to themſelves the monies to them due thereon, and all coſts and charges relating thereunto, returning the overplus (if any be) to the owners of ſuch lands or other intereſts or eſtates, and that then and in ſuch caſe the owner of ſuch lands, or other intereſts or eſtates, except the owner of ſuch an eſtate be an infant, without his or her joining in the conveyance thereof, ſhall ſtand abſolutely fore-cloſed from all equity of redemption of the ſame.

Detaining the monies due and charges, and returning the overplus. Owner to be foreclоſed, except infants.

Member of parliament may be of the corporation.

XXXVIII. And be it further enacted That any member of the houſe of commons may be a member of the ſaid corporation, or a director, manager or truſtee thereof, any act heretofore made notwithſtanding.

Guardian may advance money for benefit of infant, but infant to be the contributor.

XXXIX. And be it further enacted, That any guardian or truſtee for any infant, may, for the benefit of ſuch infant, advance and pay a ſum, not exceeding one moiety of the monies within his or her truſt, upon the terms and recompences herein mentioned; and ſuch infant, upon payment of ſuch ſum, ſhall become the contributor thereof, and the guardian or truſtee ſhall be diſcharged from the ſame.

Truſtees, &c. to take the oaths 1 W. M. ſeſſ. 1. c. 8. and the oath in this act.

XL. And for the more effectual execution of this act, according to the true intent and meaning hereof, be it enacted, That it ſhall be inſerted in the ſaid letters patents of incorporation, that no perſon ſhall be capable of executing the office or place of truſt, as a truſtee, director or manager of the ſaid corporation, until he hath taken the oaths to be adminiſtred (in manner as in the ſaid letters patents ſhall be directed) appointed to be taken by an act made in the firſt year of the reign of his ſaid Majeſty and the late Queen *Mary*, intituled, *An act for abrogating of the oaths of ſupremacy and allegiance, and appointing other oaths*, and alſo an oath in like form as following, *viz.*

Oath.

I Do hereby ſwear, That to the beſt of my judgment I will truly execute the office of in all things, according to the true intent and meaning of the act of parliament eſtabliſhing the ſame.

So help me God.

Corporation may tranſcribe dockets, &c. paying the fees.

XLI. And for the better diſcovering of any incumbrances upon record, which affect lands, be it enacted, That it ſhall and may be lawful for the ſaid corporation, or any officer, attorney or clerk, to be employed by them, from time to time, to copy out and tranſcribe the dockets or notes of any extents, judgments, ſtatutes or recognizances kept in any the offices of the ſeveral courts of record, paying to the maſters or clerks of the ſeveral offices, the uſual rates and fees for ſearch only of ſuch extents, judgments, ſtatutes or recognizances.

No member to be adjudged a bankrupt in reſpect of his ſtock therein, nor ſtock liable to foreign attachment.

XLII. And be it enacted, That no member of the ſaid corporation ſhall, in reſpect of his ſtock therein only, be, or be adjudged liable to be a bankrupt, within the intent and meaning of all or any the ſtatutes made againſt or concerning bankrupts; and that no ſtock in the ſaid corporation, ſhall be ſubject or liable to any foreign attachment, by the cuſtom of the city of *London*, or otherwiſe.

5 & 6 W. & M. c. 7.

XLIII. *And whereas in and by an act of parliament made in the fifth and ſixth years of the reign of his Majeſty and the late Queen* Mary *of bleſſed memory, intituled*, An act for granting to their Majeſties certain rates and duties upon ſalt, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily

tarily advance the ſum of ten hundred thouſand pounds towards carrying on the war againſt *France*, *it is provided and enacted, That there ſhould be raiſed, levied, collected, and paid to their Majeſties, their heirs and ſucceſſors, until the ſeventeenth of* May, *one thouſand ſix hundred ninety and ſeven, for every gallon of ſalt and rock-ſalt made at the ſalt-works, or taken out of any pits within the kingdom of* England, *dominion of* Wales, *or town of* Berwick *upon* Tweed, *one penny half-penny, and after that rate for a greater or leſſer quantity: and whereas ſome diſpute hath ſince ariſen, whether ſalt refined, or ſalt made from ſalt, either imported or made in* England, *and hath paid the duties by the ſaid act impoſed, and is ſince melted down, either in ſea water or other water, and made into ſalt again, ſhall be charged with the duty of one penny half penny:* for the ſettling whereof, it is hereby declared and enacted by the authority aforeſaid, That all ſalt made from rock ſalt, (allowing the drawback for the ſame, as in the ſaid act is mentioned) and all refined ſalt, or ſalt made from ſalt, either imported or made in *England*, was and is intended to be charged and chargeable with the ſaid duty of one penny half penny *per* gallon; any thing in the ſaid act to the contrary notwithſtanding.

Salt made from rock ſalt, and refined ſalt, to pay one penny half penny per gallon.

XLIV. *And whereas the meaſures for making the* Wincheſter *buſhel at eight gallons to the buſhel, appointed by the ſaid act for meaſuring of ſalt, for payment of the ſaid duties, are various and unequal, and have proved inconvenient, not only to the duties, but to the makers and traders in ſalt in general:* for the prevention whereof, and the payment of the ſaid duties more equally, it is hereby declared and enacted by the authority aforeſaid, That all ſalt at all ſalt works and ſalt pits (rock ſalt excepted) ſhall be aſcertained as to the payment of the ſaid duties, at the rate of fifty ſix pounds weight to the buſhel, and no more; any thing in the ſaid act to the contrary thereof in any wiſe notwithſtanding.

All ſalt, except rock ſalt to be aſcertained at 56lb. to the buſhel. *By 9 & 10 W. 3. c. 6. ſ. 1. Salt is to be retailed at 56l. per buſhel. Altered by 10. & 11 W. 3. c. 22. ſ. 2.*

XLV. And be it further enacted and declared by the authority aforeſaid, That all ſalt, whether brought from *Scotland* by land, and alſo all imported ſalt, whether the ſame be of the product or manufacture of this kingdom, or of the dominion of *Wales*, or town of *Berwick* upon *Tweed*, brought in, landed, or put on ſhore, before due entry made with the officer appointed to receive the ſame, and payment of duties by the ſaid act impoſed, ſhall be forfeited, one moiety to his Majeſty, his heirs, and ſucceſſors, and the other moiety thereof to him or them that ſhall or will ſeize, inform, or ſue for the ſame; any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

Salt brought from Scotland, or imported and landed before duty paid, to be forfeited.

XLVI. And for the better aſcertaining the ſaid duties on ſalt, according to the buſhel of fifty ſix pounds weight herein before declared, in all parts and places where any ſalt-work or ſalt-pit is or ſhall be; be it enacted by the authority aforeſaid, That every collector or officer, appointed to receive and collect the ſaid duties, ſhall from and after the ſaid ſeventeenth day of *May*, one thouſand ſix hundred ninety and ſix, provide at every ſuch ſalt-work or ſalt-pit, a ſufficient beam, ſcale, and weights, or ſtilyard, and ſhall have liberty to fix the ſame in ſome conve-

Collectors at every ſalt pit to provide a beam, &c. for weighing of ſalt.

nient place in or about ſuch ſalt-work or ſalt-pit, for the weighing all ſalt that ſhall be delivered from ſuch ſalt work or ſalt-pit; and that one or more perſon or perſons (as occaſion ſhall require) living on or near ſuch ſalt-work or ſalt-pit, ſhall be admitted and ſworn to the due and true weighing all ſalt from thence to be delivered, before one or more juſtice or juſtices of the peace near adjoining (which oath he or they are hereby impowered to adminiſter) without fee or reward; and ſuch weigher and weighers ſhall be ſatisfied and paid for their pains for weighing ſuch ſalt, by the ſaid collector or officer for the ſaid duties; any thing herein, or in the ſaid former act, to the contrary hereof notwithſtanding.

Weighers to be ſworn, and paid by the collectors.

XLVII. *And whereas the carriers of ſalt do frequently load ſeveral horſes with ſalt at one ſalt-work, and at one time, for which they have had but one warrant or permit, and are often obliged, for convenient carriage of the ſaid ſalt to ſeveral places, to ſeparate the ſaid horſes, and to drive them ſeveral roads, by which means ſome of the ſaid ſalt has been liable to ſeizure:* for prevention therefore of ſuch inconveniencies to the ſaid carriers, it is hereby enacted, and the ſaid officers are hereby ſtrictly charged and required to deliver *gratis*, and without delay, ſuch and ſo many ſeveral warrants or permits to each carrier of ſalt, as he ſhall demand, for ſuch ſeveral horſe-loads of ſalt as he ſhall load at one time, and at one ſalt-work, any thing heretofore to the contrary notwithſtanding.

Carriers of ſalt to have permits gratis for ſo many loads as are loaded at one time.

XLVIII. Provided always, and be it enacted by the authority aforeſaid, That all and every the rates and ſums of money directed to be paid by an act made in the fifth and ſixth years of the reign of his Majeſty and the late Queen *Mary*, and herein firſt recited, for the ſeveral ſorts of fiſh (except conger) therein mentioned, to be exported, ſhall be allowed and paid, during the continuance of this act, in ſuch manner as by the ſaid firſt recited act is directed and appointed; any thing herein to the contrary notwithſtanding.

Rates paid by 5 & 6 W. & M. c. 7. for fiſh (except conger) exported, to be paid during this act.

XLIX. And be it enacted by the authority aforeſaid, That all perſons ſelling ſalt (except foreign ſalt) made for uſe, ſhall from and after the ſeventeenth day of *May*, one thouſand ſix hundred ninety and ſix, ſell the ſame after the rate of fifty ſix pounds weight to the buſhel, and not otherwiſe, and ſo in proportion for a greater or leſſer quantity; and that every perſon offending therein ſhall for every ſuch offence forfeit the ſum of five pounds to the informer, to be ſued for and recovered in ſuch manner as other forfeitures by this act are to be ſued for and recovered.

Salt (except foreign) to be ſold at 56lb. to the buſhel, and not otherwiſe.

Penalty.

Explained by 9 & 10 *W.* 3. *c.* 6.

L. And to the end the yearly fund, intended to be ſettled and payable by this act for ever, ſubject nevertheleſs to the proviſo of redemption aforeſaid, may be the more certainly and effectually raiſed, and for the better ſecurity and encouragement of all and every ſuch perſon and perſons who ſhall ſubſcribe and advance their money for the ends and purpoſes before mentioned: we your Majeſty's ſaid dutiful and loyal ſubjects, the commons of *England* in parliament aſſembled, have given and granted, and do hereby give and grant to your Majeſty, your heirs, and ſucceſſors,

Further impoſitions.

ceſſors, Kings and Queens of *England*, the further impoſitions, rates, and duties herein after ſpecified.

LI. And be it further enacted by the authority aforeſaid, That all and every the impoſitions, rates, and duties, upon glaſs, or glaſs wares, ſtone bottles and earthen bottles, and every of them, granted by the abovementioned act, intituled, *An act for granting to his Majeſty certain duties upon glaſs wares, ſtone and earthen bottles, coals, and culm, for carrying on the war againſt* France, ſhall be raiſed, levied, collected, anſwered, and paid unto your Majeſty, your heirs and ſucceſſors, Kings and Queens of *England*, for ever, &c. Further impoſitions.

The ſections between LI. *and* LXXIV. *are omitted, becauſe they relate wholly to duties on glaſs wares, ſtone bottles, and tobacco pipes, which duties are determined by* 9 & 10 *W.* 3. *cap.* 45. *and by* 10 & 11 *W.* 3. *cap.* 18. *and the reſt of the act, here omitted, is expired.*

Clauſe of loan on orders regiſtred, at 7 l. *per cent.* or on bills at 3d. *per cent. per diem* for 2,564,000 l. King to appoint how much of the ſaid ſum ſhall be lent on credit of orders, or advanced on bills. Monies lent not to be taxed. Monies to be paid in courſe, intereſt every 3 months. Penalty for undue preference. Orders aſſignable. Bills payable on demand with intereſt at 3 d. *per cent. per diem*, to be ſatisfied out of the current monies in the Exchequer. Auditor to make bills of credit of 10, 20, 30, 50, or 100 l. each. Counterpart to remain in books. Bills to be delivered to the tellers, and by them to ſuch who advance monies, and to paſs in payment. Tellers on demand to pay principal and intereſt, without further warrant. Penalty on teller refuſing ſo to do. Auditor and tellers to keep true accounts, to which free acceſs ſhall be had. Bills paid off to be cancelled, and accounts to be diſcharged thereof. Old bills to be iſſued again, or new ones made. Penalty on officers iſſuing out bills for more than the ſum limited. Forging or counterfeiting bills of credit, felony. Charge of making bills, &c. to be defrayed out of monies lent. Caſh to be reſerved for circulating bills. Bills of credit may be exchanged for a perpetual yearly rent at 7 *per cent.* Intereſt payable out of the ſalt duties, &c. every half year. Orders to be ſigned for payment without fee. On payment of principal and intereſt the yearly rents and payments to ceaſe and determine. Subſcribers intitled to the fund of 179,483 l. *per annum.* Monies ſubſcribed towards a national land bank, &c. to be iſſued for paying off orders of loan, bills of credit, and annuities. Treaſury to diſcharge the orders, bills, &c. as money comes in. On paying off the ſame, duties and fund totally diſcharged of ſuch orders, &c. Orders to remain afterwards in the Exchequer as vouchers. Bills paid off to be cancelled, if not iſſued again, or renewed. Corporation to enjoy the yearly fund. Subſcribers may mortgage lands for ſecuring one fourth part of their ſubſcription. Lands mortgaged may at any time be diſcharged. On judgment obtained againſt the corporation for debt charged on the fund, officers of Exchequer may pay the money. National land bank may diſcharge the fund from tallies, bills, &c. Corporation not to lend money at intereſt, unleſs to the King or his ſubjects. If duties not ſufficient to ſatisfy the yearly payments, treaſury may make the ſame good out of the monies unappropriated. 140,000 l. for making good the duties of tunnage. 100,000 l. to be paid weekly to the governor and company. 40,000 l. to the purchaſers of annuities by quarterly payments. 1,816,972 l. appropriated for the ſervice of the navy, and the remainder to the land forces. The ſums hereby appropriated, to be diſtributed according to the act 1 W. & M. ſ. 2. c 1. 7 W. 3. c. 5.

7 W. 3. c. 20. & c. 10.

XCII. And for the preventing of exactions upon ſale of ſalt in this kingdom, and to have the rates and prices thereof aſcertained;

tained; be it further enacted and declared by the authority aforeſaid, That the lord mayor and court of aldermen of the city of *London* ſhall and may, and are hereby required, in the court of aldermen within the city of *London*, upon or before the firſt day of *May*, in the year of our Lord one thouſand ſix hundred ninety and ſix, to ſet, aſcertain and publiſh, in writing, certain reaſonable rates and prices upon all ſalt to be ſold, or expoſed to ſale, after the ſaid firſt day of *May*, in the city of *London* and precincts thereof, and the bills of mortality; and that the reſpective juſtices of peace for the reſpective counties, cities, and places, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, ſhall and may, and are hereby required, upon or before the firſt day of *Auguſt*, in the year of our Lord one thouſand ſix hundred ninety ſix, at the ſeveral and reſpective general ſeſſions of the peace for the ſaid ſeveral and reſpective counties, cities, and places, wherein they are or ſhall be juſtices of the peace, ſet, aſcertain, and duly publiſh in writing, certain reaſonable rates and prices upon all ſalt to be ſold or expoſed to ſale after the ſaid firſt day of *Auguſt*, within the ſaid ſeveral and reſpective counties, cities, and places, wherein they are or ſhall be juſtices of the peace; and that the lord mayor of *London*, and the ſaid court of aldermen, in the court of aldermen, and that the ſaid reſpective juſtices of the peace, of the ſeveral and reſpective counties, cities, and places aforeſaid, as aforeſaid, at the ſeveral and reſpective general ſeſſions of the peace for the ſaid ſeveral and reſpective counties, cities, and places, wherein they are or ſhall be juſtices of the peace, ſhall and may, and are hereby required from time to time (if neceſſary) at the ſeveral and reſpective general ſeſſions of the peace for the ſaid ſeveral and reſpective counties, cities, and places, from and after the ſaid firſt day of *Auguſt*, by writing duly made and publiſhed, alter and correct the rates and prices of all ſalt to be ſold and expoſed to ſale in the ſaid ſeveral and reſpective places; which rates and prices which ſhall be ſo ſet, aſcertained, altered, and corrected, are hereby enacted and required to be obſerved, accepted, received, and taken by all and every perſon and perſons ſelling or expoſing to ſale any ſalt within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*: and if any perſon or perſons ſhall ſell any ſalt at any higher price or rate, or refuſe to ſell any ſalt at the prices and rates aforeſaid, ſuch perſon and perſons ſo offending, ſhall for every ſuch offence forfeit and pay the ſum of five pounds, to be levied out of the goods and chattels of ſuch offender or offenders, by diſtreſs and ſale thereof, by warrant under the hand and ſeal of the lord mayor of the city of *London*, or of any juſtice or juſtices of the peace for the place or places wherein ſuch offence ſhall be committed, or diſtreſs ſhall be to be made; and in default of ſufficient diſtreſs for the ſame, it ſhall and may be lawful by warrant under hand and ſeal from the lord mayor of the city of *London*, or from any ſuch juſtice of the peace as aforeſaid, to impriſon the ſaid offender or offenders, until ſuch offender

Lord mayor and aldermen of London, and juſtices at their general ſeſſions, to ſettle the price of ſalt.

Penalty for ſelling at a higher rate.

Diſtreſs for nonpayment.

offender or offenders ſhall pay the ſaid ſum of five pounds; one moiety of which ſum of five pounds is hereby enacted to be paid to the uſe of our ſovereign lord the King, and the other moiety thereof to be paid to ſuch perſon or perſons as ſhall inform and proſecute for the ſame, before the ſaid lord mayor of *London*, or the ſaid reſpective juſtices of the peace as aforeſaid.

This act not to affect judgments in Weſtminſter hall, &c.

XCIII. Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall be taken or conſtrued to the prejudice of any judgment given in any of his Majeſty's courts at *Weſtminſter*, or any ſuit now depending there, in relation to the melting or refining of ſalt.

CAP. XXXII.

An act for the eaſe of jurors, and better regulating of juries.

3 Geo. 2. c. 25.

WHEREAS *for trials of cauſes upon writs of* Niſi prius, *and other cauſes at aſſizes, the ſheriffs do return a competent number of jurors for ſuch ſervices; but it often happens, that many of the cauſes, which are brought down for trial, do not go on to be tried at the firſt aſſizes, but are brought down again to be tried at ſome other ſubſequent aſſizes, whereby the jurors returned to try ſuch cauſes are compelled to attend at ſeveral aſſizes for trial of one and the ſame cauſe, to their very great expence and trouble; and foraſmuch as by partiality and favour of ſheriffs, the corruption of officers, and many other evil practices, the ſervice of jurors has been found to be very burdenſome and grievous:* for remedy whereof be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if at any time hereafter any plaintiff or demandant, in any cauſe depending in any of the courts at *Weſtminſter*, which ſhall be at iſſue, ſhall ſue forth, or bring to any ſheriff, any writ of *Venire facias*, upon which any writ of *Habeas Corpora*, or *Diſtringas*, with a *Niſi prius*, ſhall iſſue, in order to the trial of ſuch iſſue at the aſſizes, and that ſuch plaintiff or demandant ſhall not proceed to the trial of the ſaid iſſue at the ſaid firſt aſſizes after the *teſte* of every ſuch writ of *Habeas Corpora*, or *Diſtringas*, with a *Niſi prius*, that then and in all ſuch caſes (other than where views by jurors ſhall be directed) the plaintiff or demandant, whenſoever he ſhall think fit to try the ſaid iſſue at any other aſſizes, ſhall ſue forth and proſecute a new writ of *Venire facias* directed to the ſheriff in this form:

If plaintiff ſue forth a *Ven' fac'* &c. in order to trial, and proceed not, the iſſue may be tried at any other aſſize,

and a new *Ven' fac'* may be ſued.

Quod de novo venire facias coram, &c. duodecim liberos & legales homines de vicineto de A. quorum quilibet habeat decem librat' terræ tenementor' vel redditituum per annum ad minus, per quos, &c. Et qui nec, &c.

Form of the writ.

And the reſidue of the ſaid writ ſhall be after the ancient manner; which writ being duly returned and filed, a writ of *Habeas Corpora*, or *Diſtringas*, with a *Niſi prius*, ſhall iſſue thereupon (for which the ancient and accuſtomed fees ſhall be taken, and

Defendant trying any iſſue joined againſt him, may ſue a new *Ven' fac'* and

proſecute the ſame by *Hab' corp'* or *Diſtringas*.

and no more, as in the caſe of the *Pluries habeas Corpora*, or *Diſtringas*, with a *Niſi prius*) upon which the plaintiff or demandant ſhall and may proceed to trial, as if no former writ of *Venire facias* had been proſecuted or filed in that cauſe, and ſo *toties quoties* as the caſe ſhall require: and if any defendant or tenant, in any action depending in any of the ſaid courts, ſhall be minded to bring to trial any iſſue joined againſt him, when by the courſe in any of the ſaid courts he may lawfully do the ſame by *proviſo*, ſuch defendant or tenant ſhall or may, of the iſſuable term next preceding ſuch intended trial, to be had at the next aſſizes, ſue out a new *Venire facias* to the ſheriff, in form aforeſaid, by *proviſo*, and proſecute the ſame by writ of *Habeas Corpora*, or *Diſtringas*, with a *Niſi prius*, as though there had not been any former *Venire facias* ſued out or returned in that cauſe, and ſo *toties quoties* as the matter ſhall require.

No more than the ancient fees ſhall be taken.

Writs of *Ven' fac'* &c. with a *Niſi prius*, ſo ſued out and proſecuted, to be good in law.

II. And be it alſo enacted and declared by the authority aforeſaid, That every writ of *Venire facias*, and every writ of *Habeas Corpora*, or *Diſtringas*, with a *Niſi prius*, ſued out and proſecuted, according to the purport and direction of this act, and all trials, entries, and proceedings thereupon, ſhall be good and warrantable by law, and not be erroneous, or be aſſigned or aſſignable for error; any former law or uſage to the contrary thereof in any wiſe notwithſtanding.

On writs of *Hab' corp'* &c. on default of a ſufficient number of jurors, others to be returned, 35 H. 8. c. 6.

III. *And forasmuch as very frequently unfit perſons are named by ſheriffs or their under ſheriffs to ſerve as jurors upon the* Tales, *where a* Tales *may be prayed or demanded, by virtue of the ſtatute in that caſe provided:* be it further enacted by the authority aforeſaid, That in every writ of *Habeas Corpora*, or *Diſtringas*, with a *Niſi prius*, where a full jury ſhall not appear before the juſtices of aſſize or *Niſi prius*, or elſe after appearance, where by challenge of either of the parties the jury is like to remain untaken for default of jurors, the ſheriff, or other miniſter or miniſters, to whom it ſhall appertain to return the tales-men, ſhall, upon the awarding the *tales*, at the command of ſuch juſtice or judge of aſſize, return freeholders or copyholders of the county where the cauſe is to be tried, who ſhall be returned upon ſome other panel to ſerve at the ſame aſſizes and ſhall be then attending the court where ſuch trial is to be had, to ſerve upon ſuch *tales*, and not any others, if ſo many out of the other panels be preſent in court, or can there be found; and that either of the parties, plaintiff or defendant, demandant or tenant, ſhall and may have his challenge to the jurors ſo named, added, and annexed to the ſaid former panel, by the ſheriff or other miniſter or miniſters aforeſaid, in ſuch wiſe, as if they had been impanelled upon the *Venire facias* awarded to try the iſſue; and that the ſaid juſtices and judge of aſſize ſhall and may proceed to the trial of every ſuch iſſue, with thoſe perſons who were before impanelled and returned, with theſe tales-men ſo newly added and annexed to the ſaid former panel by virtue of this act, in ſuch caſe as he or they might and ought to have done, if all the ſaid jurors returned upon the writ

Plaintiff or defendant may challenge ſuch jurors, as if impanelled on the *Ven' fac'*

Judge may proceed to trial.

of

of *Venire facias* awarded to try the ſaid iſſue had appeared to try the ſame; and that all and every ſuch trial had, after the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, ſhall be good and effectual in the law, to all intents, conſtructions, and purpoſes whatſoever: and in caſe any ſuch freeholder, or copyholder, as the ſaid ſheriff, or miniſter or miniſters ſhall return upon the *tales*, as is aforeſaid, being preſent at ſuch return made, ſhall be called, and not appear, or after his or their appearance, ſhall wilfully withdraw himſelf from the ſaid ſervice, then in ſuch caſe the juſtices or judge of aſſize, who ſhall award ſuch *tales*, ſhall and may ſet a fine upon every ſuch perſon making default, or wilfully withdrawing himſelf.

Freeholder, &c. not appearing, to be fined.

IV. And that all ſheriffs of counties may be the better informed of perſons qualified, who are to be returned for trials of iſſues joined in the courts of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, or to ſerve upon juries at aſſizes, ſeſſions of *oyer* and *terminer*, general gaol delivery, and ſeſſions of the peace: be it further enacted by the authority aforeſaid, That all conſtables, tythingmen, and headboroughs of towns in each county, or their deputies, or ſome or one of them, ſhall yearly, at the general quarter ſeſſions of the peace to be holden for each county, riding, or diviſion, or any part thereof, in the week after the feaſt of Saint *Michael* the archangel, upon the firſt day of the ſaid ſeſſions, or upon the firſt day that the ſaid ſeſſion ſhall be held by adjournment at any other particular diviſion or place, return and give a true liſt in writing of the names and places of abode of all perſons within the reſpective places, for which they ſerve, qualified to ſerve upon ſuch juries, with their titles and additions, between the age of one and twenty years and the age of ſeventy years, to the juſtices of the peace in open court; which ſaid juſtices or any two of them, at the ſaid ſeſſions, in the reſpective counties, ridings, or diviſions, ſhall cauſe to be delivered a duplicate of the aforeſaid returned liſt, by the clerks of the peace of every county or riding, to the ſheriffs or their deputies, on or before the firſt day of *January* next following, and cauſe the ſaid liſts to be fairly entred into a book, by the clerk of the peace, to be by him provided and kept for that purpoſe amongſt the records of the ſaid court of ſeſſions; and no ſheriff ſhall impanel or return any perſon or perſons to try any of the iſſues joined in any of the ſaid courts, or to be or ſerve in any jury at the aſſizes, ſeſſions of *oyer* and *terminer*, gaol delivery, or ſeſſions of the peace, that ſhall not be named or mentioned in the ſaid liſt; and any conſtable, tythingman, or headborough, failing at any time to make the return aforeſaid, ſhall forfeit and incur the penalty of five pounds to his Majeſty and ſucceſſors, to be recovered by bill, plaint or information.

Conſtables, &c. to give in a liſt of perſons fit to ſerve on juries between 21 and 70 with their places of abode, and titles.

Duplicate to be delivered to the ſheriffs, and entred by the clerk of the peace.

No ſheriff to impanel perſons not named in the ſaid liſts.

Penalty on conſtables neglecting.

Explained and enforced by 8 & 9 *W.* 3. *c.* 10.

Farther proviſions relating hereto, 3 & 4 *Anne*, *c.* 18. *ſ.* 5.

Conſtables ſubſcribing ſuch liſts in the preſence of one juſtice, &c. *is ſufficient by* 3 *Geo.* 2. *c.* 25. *ſ.* 6.

V. *And that the ſummons of perſons qualified for the ſervices aforeſaid may not be ſo uncertain, as hath been practiſed by officers therein, to the great injury and grievance of perſons liable to the aforeſaid ſervices*; be it further enacted by the authority aforeſaid, That every ſummons of any perſon qualified to any of the aforeſaid ſervices

Summons to be made by the ſheriff under ſeal 6 days before the juror is to ſerve.

In caſe of ab-

ſence, notice to be left under the officer's hand.

ſervices ſhall be made by the ſheriff, his officer or lawful deputy, ſix days before at the leaſt, ſhewing to every perſon ſo ſummoned the warrant under the ſeal of the office wherein they are nominated and appointed to ſerve; and in caſe any juror ſo to be ſummoned, be abſent from the uſual place of his habitation at the time of ſuch ſummons, in ſuch caſe notice of ſuch ſummons ſhall be given by leaving a note in writing, under the hand of ſuch officer, containing the contents thereof, at the dwelling houſe of ſuch juror, with ſome perſon there inhabiting in the ſame.

Return to the juſtices a good excuſe for the ſheriff; who may plead the general iſſue in caſe of action brought. Treble coſts to the defendant.

VI. And to the end that ſheriffs may not incur any penalty, to ſuffer any damage, by ſummoning or returning any perſon named in the liſts or books of jurors tranſmitted to them from the reſpective quarter ſeſſions as aforeſaid, for not having ſuch eſtates as qualifies ſuch perſons to be jurors; be it enacted by the authority aforeſaid, That the ſaid return to the ſaid juſtices ſhall be a good excuſe and bar in law for the ſaid ſheriff, for ſuch ſummons and returns; and if any action or information ſhall be brought or proſecuted againſt any ſheriff for ſuch return, the ſaid ſheriff may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, diſcontinue his action, or if a verdict be given for the defendant, or a *noli proſequi* be entred in any information, or a verdict paſs for the defendant thereupon, the plaintiff or informer ſhall pay treble coſts, to be awarded by the court, in which ſuch action or information was proſecuted, and levied by uſual proceſs: and if the ſaid ſheriff, his deputy or deputies, bailiff or bailiffs, ſhall ſummon and return any freeholder or copyholder, to any of the aforeſaid ſervices, otherwiſe than as aforeſaid, or in any ways neglect his or their duty or duties in the ſervice or ſervices of them required reſpectively by this act, or excuſe any perſon or perſons for favour or reward, or allow of any writ of *non ponendis*, *in aſſizis & juratis*, or other writ, to excuſe or exempt any perſon or perſons from the ſervice of any jury or juries, under the age of ſeventy years; ſuch ſheriff, deputy or bailiff ſhall, for every tranſgreſſion committed againſt this act, forfeit the ſum of twenty pounds, to be recovered by ſuch party or parties grieved or injured, or whom elſe ſhall ſue for the ſame, in any of the courts of record at *Weſtminſter*, by action of debt, bill, plaint or information, wherein no eſſoin, privilege, protection or wager of law ſhall be allowed, nor any more than one imparlance.

Penalty on ſheriff neglecting, or making undue return.

None to be a juryman in Yorkſhire above once in 4 years, city of York and Kingſton

VII. *And whereas the county of* York *(being a very large county) hath many perſons therein qualified to ſerve upon juries at aſſizes, general gaol delivery, and ſeſſions of the peace; yet by the corruption of ſheriffs, and their under officers, the burden of that ſervice is forced upon a very few, to their oppreſſion and grievance*; be it therefore further enacted by the authority aforeſaid, That from and after the four and twentieth day of *June*, one thouſand ſix hundred ninety ſix, no perſon ſhall be returned or ſummoned to ſerve upon any jury at the aſſizes, or general gaol delivery, to be holden for the ſaid county of *York*, or at any ſeſſions of the peace to be holden for any part thereof (the city of *York*, and

and county of the ſaid city, and town and county of *Kingſton* upon *Hull* excepted) above once in four years: and to the end it may appear what perſons have been ſummoned, and have ſerved as jurors at any former aſſize or gaol delivery to be holden for the ſaid county of *York*, or at any ſeſſions of the peace holden for any part of the ſaid county of *York*; every ſheriff of the ſaid county for the time being ſhall prepare and keep a book or regiſter, wherein the names of all ſuch perſons who have ſerved as jurors, with their additions and places of abode, and the times and places of ſuch their ſervices, ſhall be alphabetically entred and regiſtred, which books and regiſters ſhall from time to time be delivered over to the ſucceeding ſheriff of the ſaid county, within ten days after he ſhall be ſworn into his office; and every juror who ſhall be ſummoned, and ſhall ſerve at any the ſaid aſſizes, general gaol delivery, or ſeſſions aforeſaid, ſhall and may at the end of every ſuch aſſize and general gaol delivery, or ſeſſions aforeſaid, repair to the ſheriff, or under ſheriff of the ſaid county for the time being, to have his and their names entred in the ſaid book or regiſter kept for the purpoſe aforeſaid, of which he ſhall have a certificate upon his immediate requeſt *gratis*, from the ſheriff, or under ſheriff for the time being, teſtifying ſuch his attendance and ſervice done.

upon Hull excepted.

Explained by 10 *Annæ, c.* 14. *ſ.* 5. *as to ſeſſions of the peace in Yorkſhire.*

Sheriff of York to regiſter the names of all who ſerve on juries in a book alphabetically.

Juror at the end of every aſſize may have his name entred, and a certificate thereof gratis.

By 3 & 4 *Annæ, c.* 18. *ſ.* 3. *ſheriff not keeping a regiſter forfeits* 100*l.*

VIII. *And whereas two ſeveral panels of jurors have been uſually returned to ſerve on the grand inqueſt; and that many more panels have been ſometimes returned for trials in civil cauſes, at the aſſizes held for the ſaid county of* York; *which was found to be more than neceſſary, and burthenſome to the perſons there qualified for the ſaid ſervice*; be it further enacted by the authority aforeſaid, That from henceforth any one panel conſiſting of forty eight freeholders and copyholders, and no more, (each perſon having fourſcore pounds land *per annum*) ſhall be returned to ſerve on the grand inqueſt, and no more than ten panels, conſiſting of twenty four jurors in each panel, ſhall be returned to ſerve upon trials in civil cauſes, at any aſſizes to be holden for the ſaid county of *York* (except only where ſpecial juries are directed to be returned by rule of court) and that at no one quarter ſeſſions of the peace, to be holden for the ſaid county, or within any of the ridings within the ſame, or in any place where ſuch ſeſſions of the peace ſhall be holden by adjournment, or otherwiſe, within the ſame county, ſhall be returned above the number of forty perſons, to ſerve either upon the grand inqueſt, or other ſervice there; any law or uſage to the contrary notwithſtanding.

One panel of 48 freeholders, &c. Ten panels of 24 jurors, &c.

Not above 40 perſons to be returned on the grand inqueſt at any one quarter ſeſſions for the county of York.

IX. *And whereas the inhabitants of the city and liberty of* Weſtminſter *ſerve in all juries in the courts of* King's-Bench, Common Pleas, *and* Exchequer, *and likewiſe at the ſeſſions of the peace which (by virtue of his Majeſty's commiſſion) is quarterly held for the ſaid city and liberty*; be it further enacted by the authority aforeſaid, That from henceforth the ſaid inhabitants of the city and liberty of *Weſtminſter* ſhall be, and are hereby exempted from ſerving in any jury at the ſeſſions, before the juſtices of the peace for the county of *Middleſex*.

Inhabitants of Weſtminſter exempted from ſerving on juries for the county of Middleſex.

X. *And*

4 & 5 W. & M. c. 24.

X. *And whereas by an act made in the fourth and fifth years of the reign of King* William *and Queen* Mary, *intituled*, An act for reviving, continuing, and explaining ſeveral laws therein mentioned, which are expired and near expiring, *amongſt other things, there were ſeveral good clauſes and proviſions made and enacted, for returning able and ſufficient jurors for trials of iſſues joined in any of the courts of* King's Bench, Common Pleas, *or* Exchequer, *or before juſtices of aſſize, or* Niſi prius, Oyer *and* Terminer, *gaol delivery, or general quarter ſeſſions of the peace; which act, as to ſo much thereof as did relate to the returning of jurors, was to be in force for the ſpace of three years, from the firſt day of* May, *one thouſand ſix hundred ninety three, and from thence to the end of the next ſeſſion of parliament, which by experience hath been found beneficial and uſeful*; be it enacted by the authority aforeſaid, That the ſaid act, as to ſo much thereof as doth relate to the returning of jurors, ſhall be and is hereby continued, and ſhall be in force, together with this act, for the ſpace of ſeven years, from the firſt day of *May*, one thouſand ſix hundred ninety ſix, and from thence to the end of the next ſeſſion of parliament, and no longer.

as to the returning able jurors, continued for 7 years.

Made perpetual by 3 Geo. 2. c. 25. & 6 Geo. 2. c. 37.

Neither of the acts to give longer time for ſummoning juries, than by law required, nor for return of writs, &c.

XI. Provided always, and be it enacted by the authority aforeſaid, That this act, or the ſaid act, or any thing therein contained, ſhall not extend to give or require any longer time for the ſummoning of any juries that are to try any iſſues joined in any of the ſaid courts, that are triable by jurors of the city of *London*, or county of *Middleſex*, than was by law required before the making of the ſaid act; nor ſhall extend or be conſtrued to give any longer time, or other day, for the return of any writ, precept, or proceſs of *Venire facias*, *Habeas Corpora*, or *Diſtringas*, for the ſummoning, attaching, or diſtraining of any jury to appear, than was by law required before the making the ſaid act; but that where there ſhall not be ſix days between the awarding of ſuch writ, precept, or proceſs, and return thereof, every juror may be ſummoned, attached, or diſtrained to appear, at the day and time therein mentioned or appointed, as he might have been before the making of the ſaid act; any thing herein or therein contained to the contrary in any wiſe notwithſtanding.

Juror to appear at the time appointed, &c.

This act not to extend to London, &c.

XII. Provided, That this act, or any thing therein contained, ſhall not extend to the city of *London*, nor to any other county of any city or town within this realm, nor to any town corporate that have power by charter to hold ſeſſions of gaol delivery, or ſeſſions of the peace for ſuch town.

CAP. XXXIII.

An act for the better encouragement of the Greenland *trade.*

4 & 5 W. & M. c. 17. EXP.

WHEREAS *by an act made in the fourth and fifth years of the reign of his Majeſty King* William *and the late Queen* Mary, *intituled*, An act for the regaining, encouraging, and ſettling the *Greenland* trade, *it is thereby (amongſt other things) enacted,*

ed, That a joint ſtock of forty thouſand pounds, at leaſt, ſhould be raiſed by ſubſcriptions by the ſeveral perſons in the ſaid act named, and ſhould be paid at ſuch times, and in ſuch manner, as ſhould be directed and appointed by the governor or deputy governors, and court of committees of the company by the ſaid act eſtabliſhed for the time being, ſo as the whole ſum to be ſubſcribed be paid within four years; and that the ſaid company ſhould pay no further or other cuſtom for the oil, blubber or fins, caught and imported in their ſhips or veſſels, than if they had been navigated with three fourths of the mariners Engliſh: *and whereas the ſeveral perſons in the ſaid act named did ſubſcribe to the ſaid joint ſtock the ſum of eighty two thouſand pounds, but by reaſon of the preſent war with* France, *and the ſcarcity of ſeamen, the ſaid company cannot at preſent employ all the ſaid money ſubſcribed to the ſaid joint ſtock in the ſaid trade: and whereas ſome doubt or ſcruple hath been made, whether the oil, blubber and fins, taken and imported in and by the ſhips of the ſaid company, ought not to pay ſome duty or cuſtom to his Majeſty:* may it pleaſe your Majeſty that it may be enacted, *&c.*

Remainder of the joint ſtock to be paid as the governor, &c. ſhall appoint. The whole to be paid before 25 March, 1703. Company not to pay cuſtom for oil, &c. imported into England.

CAP. XXXIV.

An act that the ſolemn affirmation and declaration of the people called Quakers, *ſhall be accepted inſtead of an oath in the uſual form.*

WHEREAS *divers diſſenters, commonly called* quakers, *refuſing to take an oath in courts of juſtice and other places, are frequently impriſoned, and their eſtates ſequeſtred, by proceſs of contempt iſſuing out of ſuch courts, to the ruin of themſelves and families:* for remedy thereof be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the fourth day of *May*, which ſhall be in the year of our Lord, one thouſand ſix hundred ninety ſix, every *quaker* within this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, who ſhall be required upon any lawful occaſion to take an oath, in any caſe where by law an oath is required, ſhall, inſtead of the uſual form, be permitted to make his or her ſolemn affirmation or declaration in theſe words following, *viz.*

Quakers inſtead of an oath to make the following affirmation,

Carthew, 448.

I A. B. *do declare in the preſence of Almighty God, the witneſs of the truth of what I ſay.*

1 Geo. 1. c. 6.

II. Which ſaid ſolemn affirmation or declaration ſhall be adjudged and taken, and is hereby enacted and declared to be, of the ſame force and effect, to all intents and purpoſes, in all courts of juſtice and other places where by law an oath is required

which is to be of the ſame force in law as an oath.

quired within this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, as if ſuch quaker had taken an oath in the uſual form.

Penalty on falſe affirmation.

III. And be it further enacted by the authority aforeſaid, That if any quaker, making ſuch ſolemn affirmation or declaration, ſhall be lawfully convicted, wilfully, falſly, and corruptly to have affirmed or declared any matter or thing, which, if the ſame had been in the uſual form, would have amounted to wilful and corrupt perjury; every ſuch quaker ſo offending ſhall incur the ſame penalties and forfeitures, as by the laws and ſtatutes of this realm are enacted againſt perſons convicted of wilful and corrupt perjury.

If quakers refuſe to pay tithes, &c. Juſtices, on ſtating what is due, may compel them thereto, if the ſum be under 10l.

IV. *And whereas, by reaſon of a pretended ſcruple of conſcience, quakers do refuſe to pay tithes and church rates*; be it enacted by the authority aforeſaid, That where any quaker ſhall refuſe to pay or compound for his great or ſmall tithes, or to pay any church rates, it ſhall and may be lawful to and for the two next juſtices of peace of the ſame county (other than ſuch juſtice of the peace as is patron of the church or chapel, whence the ſaid tithes do or ſhall ariſe, or any ways intereſted in the *ſaid tithes*) upon the complaint of any parſon, vicar, farmer, or proprietor of tithes, churchwarden or churchwardens, who ought to have, receive, or collect the ſame, by warrant under their hands and ſeals, to convene before them ſuch quaker or quakers neglecting or refuſing to pay or compound for the ſame, and to examine upon oath (which oath the ſaid juſtices are hereby impowered to adminiſter) or in ſuch manner as by this act is provided, the truth and juſtice of the ſaid complaint, and to aſcertain and ſtate what is due and payable by ſuch quaker or quakers to the party or parties complaining, and by order under their hands and ſeals to direct and appoint the payment thereof, ſo as the ſum ordered, as aforeſaid, do not exceed ten pounds; and upon refuſal by ſuch quaker or quakers to pay according to ſuch order, it ſhall and may be lawful to and for any one of the ſaid juſtices, by warrant under his hand and ſeal, to levy the money thereby ordered to be paid, by diſtreſs and ſale of the goods of ſuch offender, his executors or adminiſtrators, rendring only the overplus to him, her, or them, neceſſary charges of diſtraining being thereout firſt deducted and allowed by the ſaid juſtice; and any perſon finding him, her, or themſelves aggrieved by any judgment given by ſuch two juſtices of the peace, ſhall and may appeal to the next general quarter ſeſſions to be held for the county, riding, city, liberty, or town corporate; and the juſtices of the peace there preſent, or the major part of them, ſhall proceed finally to hear and determine the matter, and to reverſe the ſaid judgment, if they ſhall ſee cauſe; and if the juſtices then preſent, or the major part of them, ſhall find cauſe to continue the judgment given by the firſt two juſtices of the peace, they ſhall then decree the ſame by order of ſeſſions, and ſhall alſo proceed to give ſuch coſts againſt the appellant, to be levied by diſtreſs and ſale of the goods and chattels, of the ſaid

Perſons aggrieved may appeal to the quarter ſeſſions, who are finally to determine.

If judgment be confirmed to give coſts.

No judgment to be ſuper-

ſaid appellant, as to them ſhall ſeem juſt and reaſonable; and no proceedings or judgment had or to be had by virtue of this act ſhall be removed or ſuperſeded by any writ of *certiorari* or other writ out of his Majeſty's courts at *Weſtminſter*, or any other court whatſoever, unleſs the title of ſuch tithes ſhall be in queſtion. ſeded by *certiorari*.

V. Provided always, That in caſe any ſuch appeal be made as aforeſaid, no warrant of diſtreſs ſhall be granted until after ſuch appeal be determined. No diſtreſs till appeal be determined.

VI. Provided, and be it enacted, That no quaker or reputed quaker ſhall by virtue of this act be qualified or permitted to give evidence in any criminal cauſes, or ſerve on any juries, or bear any office or place of profit in the government; any thing in this act contained to the contrary in any wiſe notwithſtanding. Quakers not to be evidence in criminal cauſes, &c. *This act was made perpetual by* 1 *Geo.* 1. *ſtat.* 2. *c.* 6.

VII. Provided, That this act ſhall continue in force for the ſpace of ſeven years, and from thence to the end of the next ſeſſion of parliament, and no longer. *but is altered by* 1 *Geo.* 1. *ſtat.* 2. *c.* 13. *ſ.* 4. *and* 8 *Geo.* 1. *c.* 6.

CAP. XXXV.

An act for the enforcing the laws which reſtrain marriages without licence or banns, and for the better regiſtring marriages, births, and burials.

WHEREAS *by an act of parliament made in the fifth and ſixth years of the reign of his Majeſty King* William, *and the late Queen* Mary *of bleſſed memory, intituled,* An act for granting to their Majeſties ſeveral duties upon vellum, parchment, and paper, for four years, towards carrying on the war againſt *France, it is amongſt other things enacted, That a duty or impoſition of five ſhillings ſhall be rated, levied, collected and paid, for every piece of paper or parchment, upon which any licence or cerificate of marriage ſhould be written or ingroſſed: and whereas by a clauſe in another act of parliament made in the ſixth and ſeventh years of his Majeſty's reign, intituled,* An act for granting to his Majeſty, certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war againſt *France* with vigour, *it is amongſt other things enacted and provided, That no perſon ſhall be married at any place pretended to be exempted from the viſitation of the biſhop of the dioceſe, without a licence firſt had and obtained, except the banns ſhall be publiſhed and certified according to law; and that every parſon, vicar, and curate, who ſhall marry any perſons contrary to the true intent and meaning thereof, ſhall forfeit the ſum of one hundred pounds: which clauſe was ſo enacted and provided for the better aſcertaining, levying, and collecting the aforeſaid duty of five ſhillings upon every licence or certificate of marriage, but by experience is found ineffectual for the ſame, in regard the ſaid penalty of one hundred pounds is not extended to every offence of the ſame parſon, vicar, or curate, ſo offending as aforeſaid: and whereas the force and intent of the ſaid clauſe is otherwiſe eluded and made of none effect, by ſeveral parſons, vicars, and curates, who to avoid the ſaid penalty of one hundred* 5 & 6 W. & M. c. 21. 6 & 7 W. 3. c. 6. ſ. 52.

pounds, do ſubſtitute and employ, and knowingly and wittingly ſuffer and permit, divers other miniſters to marry great numbers of perſons in their reſpective churches and chapels, without publication of banns, or licences of marriage firſt had and obtained; many of which miniſters ſo ſubſtituted, employed, permitted, and ſuffered to marry, as aforeſaid, have no benefices or ſettled habitations, and are poor and indigent, and cannot eaſily be diſcovered and convicted of the offences aforeſaid: and whereas divers miniſters being in priſon for debt and otherwiſe, do marry in the ſaid priſons, many perſons reſorting thither for the purpoſes aforeſaid, and in other places for lucre and gain to themſelves; by all which means the duties and impoſitions upon licences of marriage, as aforeſaid, are greatly diminiſhed and ſubſtracted, and many other great inconveniencies do ariſe: for the remedying and preventing whereof,

Penalty on parſons marrying without banns or licence,

II. Be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, that from and after the four and twentieth day of *June*, in the year of our Lord one thouſand ſix hundred ninety and ſix, every parſon, vicar, or curate, who ſhall marry any perſons in any church or chapel, exempt or not exempt, or in any other place whatever, without publication of the banns of matrimony between the reſpective perſons according to law, or without licences for the ſaid marriages firſt had and obtained, ſhall for every ſuch offence forfeit the ſum of one hundred pounds.

and for permitting others ſo to do.

III. And for the more effectual preventing the abuſes aforeſaid, be it further enacted by the authority aforeſaid, That every parſon, vicar, or curate, who ſhall ſubſtitute or employ, or knowingly and wittingly ſhall ſuffer and permit, any other miniſter to marry any perſons in any church or chapel to ſuch parſon, vicar, or curate belonging or appertaining, without publication of banns or licences of marriage firſt had and obtained, ſhall for every ſuch offence forfeit the ſum of one hundred pounds; the aforeſaid reſpective forfeitures to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, wherein no eſſoin, wager, or protection of law, or any more than one imparlance, ſhall be allowed; one moiety thereof to his Majeſty, his heirs, and ſucceſſors, and the other moiety to him or them who ſhall inform or ſue for the ſame.

Penalty on thoſe married without licence, or banns;

and on pariſh clerks aſſiſting at ſuch marriages.

IV. And for the better aſcertaining, levying, and collecting, the ſaid duties on marriages and licences, as aforeſaid; be it further enacted by the authority aforeſaid, That from and after the four and twentieth day of *June*, in the year of our Lord one thouſand ſix hundred ninety and ſix, every man ſo married without licence or publication of banns, as aforeſaid, ſhall forfeit the ſum of ten pounds, to be recovered, together with coſts of ſuit, in manner as aforeſaid, by any perſon who ſhall inform or ſue for the ſame; and likewiſe that every ſexton or pariſh clerk, or other perſon acting as ſexton or pariſh clerk, who ſhall know-

knowingly and wittingly aid, promote, and aſſiſt, at ſuch marriages ſo celebrated without banns or licences, as aforeſaid, ſhall forfeit the ſum of five pounds, to be recovered with coſts of ſuit in manner as aforeſaid by any perſon who ſhall inform or ſue for the ſame.

V. *And whereas divers children who are born within this kingdom are not chriſtened according to the rites and ceremonies of the church of* England, *and many are chriſtened in private houſes, nor are the parents of ſuch children obliged by the aforeſaid act to give notice to their reſpective miniſters, of the births of ſuch children; for want whereof an exact regiſter of all perſons born is not kept, and many perſons chargeable with the duties in the ſaid act mentioned do thereby eſcape the payment of the ſeveral ſums due to his Majeſty, and charged upon them by the ſaid act, by reaſon of the births of ſuch children:* for remedy whereof be it enacted by the authority aforeſaid, That from and after the four and twentieth day of *June*, which ſhall be in the year one thouſand ſix hundred ninety and ſix, the parents of every child, which ſhall at any time be born after the ſaid day and year, and during the continuance of the ſaid acts, or one of them, ſhall within five days after ſuch birth give notice to the reſpective rector, vicar, curate, or clerk of the pariſh or place where ſuch child was born, of the day of the birth of every ſuch child: and in caſe any parent ſhall neglect to give ſuch notice as aforeſaid, he or ſhe ſhall forfeit the ſum of forty ſhillings, one moiety thereof to the King's majeſty, and the other moiety to the informer; the which ſaid rector, vicar, curate, or clerk of the pariſh, or their ſubſtitutes, are hereby required, during the continuance of the ſaid act, to take an exact and true account, and keep a diſtinct regiſter of all and every perſon or perſons ſo born in his or their reſpective pariſhes or precincts, and not chriſtened; for doing which the parents of ſuch child, or one of them, ſhall pay to every ſuch parſon, rector, vicar, curate or clerk of the pariſh, the ſum of ſix pence; and if any ſuch rector, vicar, curate, parſon, or miniſter, ſhall refuſe or neglect to keep a true regiſter thereof, as before is directed, ſuch parſon or other miniſter, ſo offending, ſhall forfeit the ſum of forty ſhillings, to be recovered by ſuch perſons, and in ſuch manner, as in the ſaid recited act the forfeitures therein mentioned are appointed to be recovered; any thing in the ſaid law contained to the contrary notwithſtanding.

Penalty on parents not giving notice in 5 days after the birth of a child.

Diſtinct regiſters to be kept of children not chriſtened and parents to pay 6d. for regiſtring.

Penalty on parſons not keeping ſuch regiſter.

VI. And whereas by reaſon of ſome defects in the ſaid laſt recited act, and doubts ariſing upon the ſame, divers perſons chargeable with the duties in the ſaid act are not taxed as by the ſaid act they ought to be, by reaſon whereof the ſaid act is eluded: be it therefore further enacted by the authority aforeſaid, That the commiſſioners, or any two of them, by the ſaid act appointed to put the ſame in execution, ſhall and may, and are hereby required to adminiſter the oaths in the ſaid act mentioned, and by the ſaid act appointed to be taken by the aſſeſſors for the firſt year of the five years, for which term the ſaid duties are granted to the ſeveral and reſpective collectors in the county,

Commiſſioners to adminiſter oaths to the collectors.

city, or place where the aſſeſſment in the ſaid act contained is to be made, every year during the continuance of the ſaid act.

Parſons to produce twice a year to the commiſſioners ſuch licences, certificates and regiſters as aforeſaid, under a penalty.

And to the end the duties granted by the ſaid act, may hereafter be more certainly paid into his Majeſty's Exchequer, the ſaid commiſſioners, or any two of them, ſhall and may, in their reſpective counties, cities and places, require and command the deans, parſons, deacons, vicars, curates, and their or any of their ſubſtitutes, of their reſpective pariſhes, precincts and places twice in every year, or oftner if they ſhall think fit, to produce and ſhew forth to the ſaid commiſſioners, or any two of them, and alſo to the aſſeſſors, the licences of all perſons married, or certificates of the banns publiſhed, and the regiſters of all perſons buried, born or chriſtened, within the reſpective pariſhes, precincts and places aforeſaid, on pain to forfeit for every neglect or refuſal ſo to do, the ſum of five pounds, to be recovered by ſuch perſon or perſons, and in ſuch manner as the forfeitures in the ſaid act mentioned are appointed to be recovered.

Omiſſions in this caſe indemnified by 4 An. c. 12. ſ. 19.

VII. And whereas divers perſons are buried in other pariſhes than where they lived or reſided, by reaſon whereof the duties payable upon the burial of ſuch perſon or perſons are not anſwered to his Majeſty: be it further enacted by the authority aforeſaid, That from and after the four and twentieth day of *June*, one thouſand ſix hundred ninety and ſix, the ſaid deans, parſons, deacons, vicars, curates, and their reſpective ſubſtitutes, ſhall, and are hereby required, within ten days after any perſon or perſons ſhall be by them buried in their reſpective pariſhes, precincts and places, who are inhabitants, or reſided in any other pariſh or place, to give notice in writing of the day and place, and name of ſuch perſon or perſons ſo by him or them buried, as aforeſaid, to the collectors, or one of them, of the pariſh, precinct or place where ſuch perſon or perſons laſt lived or inhabited, on pain to forfeit for every neglect herein the ſum of five pounds, to be recovered by ſuch perſon, and in ſuch manner as aforeſaid.

Perſons buried in another pariſh, parſon to give notice in ten days, under a penalty.

CAP. XXXVI.

An act for continuing ſeveral acts of parliament therein mentioned.

WHEREAS *divers temporary laws, which by experience have been found uſeful and beneficial, are near expiring:* Therefore, for continuing the ſame, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the twentieth year of the reign of King *Charles* the Second, intituled, *An act for giving liberty to buy and export leather and ſkins tanned and dreſſed*, which act was revived by an act made in the firſt year of the reign of the late King *James*; which acts were revived and continued by an act made in the firſt year of the reign

20 Car. 2. c. 5. 1 Jac. 2. c. 13. 1 W. & M. ſeſſ. 1. c. 23. for exporting leather continued for ſeven years.

reign of King *William* and the late Queen *Mary*, intituled, *An act for reviving two former acts for exporting of leather*, for the ſpace of ſeven years, from the end of that ſeſſions of parliament, and from thence to the end of the firſt ſeſſion of parliament then next enſuing, ſhall be, and are hereby continued, and ſhall be in force, during the ſpace of ſeven years, from the five and twentieth day of *March*, in the year of our Lord one thouſand ſix hundred ninety ſix, and from thence to the end of the firſt ſeſſion of parliament then next enſuing, and no longer. E X P.

II. And be it further enacted by the authority aforeſaid, That an act made in the ſixteenth and ſeventeenth years of the reign of King *Charles* the Second, intituled, *An act for regulating the meaſures and prices of coals*, which act was revived and continued by an act made in the ſecond year of the reign of King *William* and the late Queen *Mary*, intituled, *An act for reviving a former act for regulating the meaſures and prices of coals*, from the firſt day of *December*, one thouſand ſix hundred and ninety, for the ſpace of ſeven years, and from thence to the end of the firſt ſeſſion of parliament then next following, ſhall be and are by virtue of this act continued, and ſhall be in force, and be made perpetual. 16 & 17 Car. 2. c. 2. 2 W. & M. ſt. 2. c. 7. for regulating the meaſures and prices of coals, made perpetual.

III. And be it further enacted by the authority aforeſaid, That an act made in the ſeſſion of parliament held in the fourth and fifth years of the reign of King *William* and the late Queen *Mary*, intituled, *An act for the better diſcovery of judgments in the courts of* King's Bench, Common Pleas, *and* Exchequer, *at Weſtminſter*, which act was continued by an act made in the ſixth and ſeventh years of the ſaid King and late Queen, intituled, *An act for continuing ſeveral laws therein mentioned* for one year, from the twenty fifth day of *March*, one thouſand ſix hundred ninety four, and from thence to the end of the then next ſeſſion of parliament, ſhall be and are by virtue of this act continued, and ſhall be in force, and be made perpetual. 4 & 5 W. & M. c. 20. 6 & 7 W. & M. c. 14. for the better diſcovery of judgments in the courts of King's Bench, &c. made perpetual.

IV. And be it further enacted by the authority aforeſaid, That an act made in the fourth and fifth years of the reign of King *William* and the late Queen *Mary*, intituled, *An act for regulating proceedings in the crown office of the court of* King's Bench *at* Weſtminſter, which was to continue and be in force for three years from the twenty fifth day of *March*, one thouſand ſix hundred ninety three, and from thence to the end of the then next ſeſſion of parliament, ſhall be and is hereby continued, and ſhall be in force, and be made perpetual. 4 & 5 W. & M. c. 22. for regulating proceedings in the crown office, made perpetual.

CAP. XXXVII.

An act for the encouragement of charitable gifts and diſpoſitions.

WHEREAS *it would be a great hindrance to learning, and other good and charitable works, if perſons well inclined may not be permitted to found colleges or ſchools for encouragement of learning, or to augment the revenues of colleges or ſchools already founded,* 9 Geo. 2. c. 36.

by granting lands, tenements, rents or other hereditaments to ſuch colleges or ſchools, or to grant lands or other hereditaments to other bodies politick or incorporated now in being, or hereafter to be incorporated, for other good and publick uſes; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the King, our moſt gracious ſovereign lord, and for his heirs and ſucceſſors, when and as often, and in ſuch caſes as his Majeſty, his heirs or ſucceſſors ſhall think fit, to grant to any perſon or perſons, bodies politick or corporate, their heirs and ſucceſſors, licence to aliene in mortmain, and alſo to purchaſe, acquire, take, and hold in mortmain, in perpetuity or otherwiſe, any lands, tenements, rents or hereditaments whatſoever, of whomſoever the ſame ſhall be holden.

The King may grant licences to aliene, or purchaſe in mortmain.

II. And it is hereby declared, That lands, tenements, rents or hereditaments, ſo aliened, or acquired and licenced, ſhall not be ſubject to any forfeiture, for or by reaſon of ſuch alienation or acquiſition.

Lands ſo aliened not ſubject to forfeiture.

CAP. XXXVIII.

An act to take away the cuſtom of Wales, *which binders perſons from diſpoſing their perſonal eſtates by their wills.*

WHEREAS *in ſeveral counties and places within the principality of* Wales, *and marches thereof, the widows and younger children of perſons dying inhabitants therein, have often claimed, and pretended to be intitled to a part of the goods and chattels of their late huſbands or fathers, called her and their reaſonable part, by virtue or colour of a cuſtom or other uſage within the ſaid principality and marches thereof, notwithſtanding any diſpoſition of the ſame by their huſbands and fathers laſt wills and teſtaments, or by deed in their lives time, and notwithſtanding a competent jointure, according to the agreement made for the livelihood of the ſaid widows by their huſbands, which have often occaſioned great troubles, diſputes, and expences, about and concerning ſuch cuſtom and uſage, whereby many perſons have been and are diſabled from making ſufficient proviſion for their families, younger children, and relations, and great diſputes, troubles, and expences, have often happened concerning the ſame, to the great damage or ruin of many:* for remedy whereof, and for preventing all queſtions, doubts and difficulties for the future touching the ſaid cuſtom and uſage; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of *June*, one thouſand ſix hundred ninety ſix, it ſhall and may be lawful for any perſon or perſons, inhabiting or reſiding, or who ſhall have any goods or chattels within the principality of *Wales* or marches thereof, by their laſt wills and teſtaments to give, bequeath, and diſpoſe of, all and

Inhabitants of Wales may for the future diſpoſe of their goods and chattels by will.

and ſingular their goods, chattels, debts and other perſonal eſtate, to their executor or executors, or to ſuch other perſon or perſons as the ſaid teſtator or teſtators ſhall think fit, in as large and ample manner as by the laws and ſtatutes of this realm any perſon or perſons may give and diſpoſe of the ſame, within any part of the province of *Canterbury*, or elſewhere; and that from and after the ſaid twenty fourth day of *June*, one thouſand ſix hundred ninety ſix, the widows, children, and other the kindred of ſuch teſtator or teſtators, ſhall be barred to claim or demand any part of the goods, chattels, or other perſonal eſtate of ſuch teſtator or teſtators, in any other manner than as by the ſaid laſt wills and teſtaments is limited and appointed; any law, ſtatute, cuſtom or uſage to the contrary in any wiſe notwithſtanding.

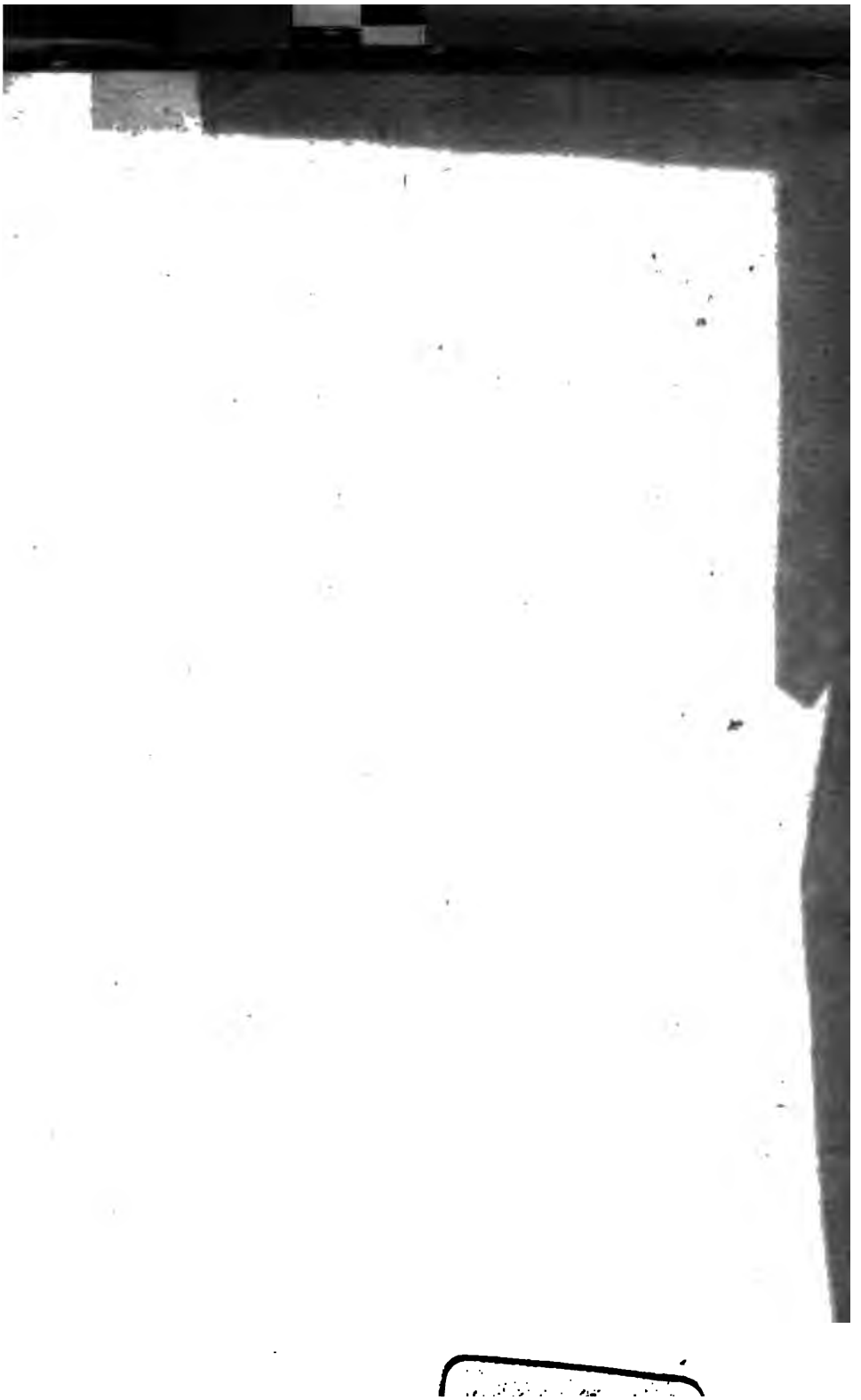
Widows, &c. not to claim any part of the perſonal eſtate.

II. Provided always, That nothing in this act contained ſhall extend to take away any right or title, which any woman now married, or younger children now born, may have to the reaſonable part of their huſbands or fathers eſtate, by virtue or colour of the ſaid cuſtom or uſage.

Not to take away the right of women already married.

CAP. XXXIX.

An act for encouraging the linen manufacture of Ireland, *and bringing flax and hemp into, and the making of ſail cloth in this kingdom.*

WHEREAS *there are great ſums of money and bullion yearly exported out of this kingdom, for the purchaſing of hemp, flax and linen, and the productions thereof, which might in great meaſure be prevented by being ſupplied from* Ireland, *if ſuch proper encouragement were given as might invite foreign proteſtants into that kingdom to ſettle*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *Auguſt*, one thouſand ſix hundred ninety ſix, it ſhall and may be lawful to and for any native or natives of *England* or *Ireland* to import into *England*, directly from *Ireland*, any ſorts of hemp or flax, and all the production thereof, as thread, yarn, and linen, of the growth and manufacture of *Ireland*, free from all manner of cuſtoms, duties, and impoſitions whatſoever, the maſter or other chief officer of the veſſel ſo importing the ſame, bringing with him or them a certificate or certificates from the chief officer or officers of the port or ports in *Ireland*, where ſuch goods ſhall be put on board, expreſſing the marks, number, tale or weight, of the ſpecies in each bale or parcel mentioned in the bill or bills of lading, with the name or names, place or places of abode of the exporter or exporters from *Ireland*, and the name or names, place or places of abode of ſuch other perſon or perſons that ſhall have ſworn the goods therein mentioned to be *bona fide* of the growth and manufacture of the kingdom, without fraud or covin, and where and

Hemp or flax, &c. may be imported into England from Ireland cuſtom free, on certificate from the officer of the port in Ireland, expreſſing the mark and particulars in each bale. *Confirmed by* 1 Annæ, ſtat. 2. c. 8.